

**DEPARTMENT OF TRANSPORTATION**  
DIVISION OF ENGINEERING SERVICES  
OFFICE ENGINEER  
P.O. BOX 168041, MS-43  
SACRAMENTO, CA 95816-8041  
PHONE (916) 227-6299  
FAX (916) 227-6282  
TTY 711  
www.dot.ca.gov



*Serious drought.  
Help save water!*

June 3, 2015

Facsimile: (559) 322-2071

Karry Wendel  
Clean Cut Landscape  
8406 N Armstrong  
Clovis, CA 93619

06-0Q2104  
06-Fre-180-R58.5/R62.4  
B.O. 03/19/2015

Dear Mr. Wendel:

The Department of Transportation (Caltrans) received a letter dated April 13, and April 30, 2015, from Clean Cut Landscape (Clean Cut) protesting the bid submitted by Wabo Landscape Construction, Inc. (Wabo) for the above referenced contract. Clean Cut alleges that Wabo submitted Disabled Veteran Business Enterprise (DVBE) Summary form with two quotes from Sam's equipment, which constitutes a material deviation as they are both material and vary from one another. The original quote on bid day had a significantly higher price than second submitted quote and contained a different item description. Clean Cut asserts that the inclusion of the differing quotes with the DVBE Summary renders the bid nonresponsive as there is the appearance of "bid shopping" as well as material variations in the bid documents supplied by the vendor/DVBE supplier. This allows an unfair bidding advantage not enjoyed by other bidders.

Caltrans reviewed the bid documents as well as the quote received from Sam's equipment and does not agree that a material deviation exists, because Sam's equipment within the 4 day submittal period, agreed to the proposed change in product and costs difference, as evident by the revised quote.

Furthermore, The Office of Business and Economic Opportunity, Contract Evaluation Branch (CEB) has evaluated the bid documents submitted by Wabo and confirms the DVBE's participation on the project. On this basis, the bid submitted by Wabo is responsive.

As the protest relates to an unfair advantage to Wabo, Caltrans has determined that no unfair advantage was granted to Wabo since, the DVBE post bid submittal was received within the time allotted and the DVBE's participation has been confirmed.

Based on the above Caltrans will proceed to award this contract to the lowest responsive and responsible bidder.

If you have any questions, please contact Mulissa Smith, Contract Awards Analyst, at (916) 227-6228.

Sincerely,

A handwritten signature in black ink, appearing to read "John C. McMILLAN".

*for*  
JOHN C. McMILLAN  
Deputy Division Chief  
Office Engineer  
Division of Engineering Services

TRANSMISSION VERIFICATION REPORT

TIME : 06/03/2015 15:47  
NAME : OE AWARDS  
FAX : 9162276320  
TEL : 9162276299  
SER. # : BROM3J484361

DATE, TIME	06/03 15:46
FAX NO. /NAME	915593222071
DURATION	00:00:30
PAGE(S)	01
RESULT	OK
MODE	STANDARD

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

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