

NO. 2958 P. 2
415.956.2828 (y) Robert Lomas Building
415.956.6457 (f) 311 California Street, 10th Flr.
San Francisco CA 94104
202.777.8950 (c) The Bowen Building
202.347.8429 (f) 875 15th Street NW, Suite 725
Washington DC 20005
www.rjo.com

ROGERS JOSEPH O'DONNELL

May 4, 2015

Via Email, Facsimile and U.S. Mail

John C. McMillan
Office Engineer
Department of Transportation
1727 30th Street
P.O. Box 168041
Sacramento, CA 95816
John.McMillan@dot.ca.gov
(916) 227-6282

Re: Response to Clean Cut's Protest of WABO's Bid
Caltrans Project ID 0613000001; Contract No. 06-0Q2104

Dear Mr. McMillan,

WABO Inc. has received Clean Cut's April 30th reply to WABO's response to Clean Cut's bid protest. Like the protest itself, the arguments are meritless. It is most noteworthy that Clean Cut provides zero legal authority for its assertions. Meanwhile, WABO took care to provide relevant legal authority to prove its position, which is one of the reasons it took almost four pages to illustrate a complete picture for Caltrans. Furthermore, Clean Cut's argument conflates the requirements for WABO's bid with the requirements for the Certified DVBE Summary. WABO may have needed a supplier quote to submit its bid, but it was not required to include Sam's first quote with the bid documents, or even accept the quote, because material suppliers are not governed by the subcontractor listing law (aka Subletting and Subcontracting Fair Practices Act). Clean Cut admits this in its reply when it agrees that North Valley was not listed because it is a supplier. And the first quote was not required for WABO's Certified DVBE Summary because it was not the basis for Sam's claimed DVBE participation--- only Sam's second quote was the basis for that. Finally, Clean Cut's reply is unable to explain how the irrelevant first quote allowed WABO to lower its bid, which was already locked in place by the time the second quote was obtained and the DVBE summary was submitted. Clean Cut would need to provide that proof in order to establish a material variation, but Clean Cut has failed to meet that burden of proof. Its protest should be denied and the contract should be awarded to WABO as the lowest bidder.

Best regards,



Tyson Arbuthnot

TA:jy

cc: WABO Landscape & Construction, Inc.

415.956.2828 (t) Robert Dollar Building
415.956.6457 (f) 311 California Street, 10th Flr.
San Francisco CA 94104

202.777.8950 (t) Victor Building
202.347.8429 (f) 750 9th Street, NW, Suite 710
Washington DC 20001

www.rjo.com

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Facsimile Transmittal Sheet

May 4, 2015

To:	John C. McMillan Office Engineer Department of Transportation	Phone:	
		Fax:	(916) 227-6282
From:	Tyson Arbuthnot		
Re:	Response to Clean Cut's Protest of WABO's Bid Caltrans Project ID 0613000001; Contract No. 06-0Q2104		
Message:	Please see attached correspondence.		

Please call Joya Yeung at 415.956.2828 if you did not receive a total of 2 pages.

Original WILL follow.

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