



Clean Cut

— LANDSCAPE —

Department of Transportation
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RE: Cal Trans Project #06-0Q5504

November 5, 2013

Dear Mr. McMillan,

In regards to the bid noted above Clean Cut is protesting award of the project to the apparent low bidder based on several inaccuracies and conflicts between the Sub-Contractor List and the DBE Submittal. These issues render the bid by Taber Construction Non-Responsive according to the 2010 Standard Specifications.

They are as follows:

1. No invoice is included itemizing "electrical materials" provided for a breakdown or verification by "Catco" with the DBE submittal. There is no physical sales quote or invoice. Simply an unqualified, unsubstantiated dollar amount. A letter of commitment is not sufficient according to the DBE Commitment form.
2. The sub-contractor list establishes 100% of items 35 and 36 as going to A-C Electric, however the DBE submittal notes Catco as getting a portion of that same dollar amount for materials. This is not mathematically possible and does not establish the percentage amount of work done on the Sub-Contractor Form correctly for A-C Electric.
3. The Sub-Contractor list establishes that 100% of Item #3 goes to KRC Safety, which is \$50,000, however, the DBE Submittal and included physical quote notes KRC as getting \$36,080 with no further itemization. There is no consistency between the sub-contractor form and the DBE Commitment form.
4. The letter of transmittal for Catco is dated 10-17-2013. This is after the bid date.

Cal Trans 2010 Standard Specifications, Section 2-1.33C states in part,

"...The Sub-contractor List must show the name, address, and work portions to be performed by each sub-contractor listed. Show work portions by bid item number, description, and percentage of each bid item sub-contracted."

In addition, Clean Cut is protesting award of the project to Wabo Landscape the 2nd apparent low bidder for conflicts and inconsistencies in the Sub-Contractor list and the DBE Submittal page.

They are numerous and are as follows:

1. Only 3% DBE was attained.
2. Arguello Concrete (A DBE) was listed on the Sub-Contractor list as receiving 85% of Item #29 which has an amount of \$105,000 for a total of \$89,250. However, the DBE Submittal and the accompanying physical quote show the dollar amount at \$75,450.00.

3. AC Electric is listed on the Sub-Contractor list for 100% of items 34, 35 and 36. The Bid Forms shows the amounts as:
 - Item 34- \$10,000.00
 - Item 35- \$1,200,00.00
 - Item 36- \$1,267,000.00
 For a total of \$2,477,000.00
 However, the DBE Submittal and accompanying physical quote to Wabo shows an amount of \$2,093,000.00. Again, this is not mathematically possible and renders both forms incorrect and non-responsive, unless of course, Wabo is going to give the full \$2,477,000.00 to AC Electric.

4. All Commercial Fence is listed on the Sub-Contractor List for 100% of items 15, 32 and 33. The bid form shows the amounts as:
 - Item 15- \$2,000.00
 - Item 32- \$549,600.00
 - Item 33- \$124,800.00
 For a total of \$676,400.00
 However, the DBE Submittal and accompanying physical quote show a total of \$602,453.00. This renders the Sub-Contractor list and the DBE Submittal form both incorrect and the bid non-responsive.

5. KRC Safety was listed on the Sub-Contractor list for 100% of item #3 which is \$35,000 on the bid form. However, the DBE Submittal lists KRC with a total of \$39,180.00. Again, this renders both the sub-contractor list and the DBE Submittal form as inaccurate and therefore non-responsive.

6. KRC Safety is listed on the Sub-Contractor list for 75% of item 4, which is \$60,000 on the bid form for a total allocated amount of \$45,000. However, the DBE forms list KRC for an amount of \$45,850.00.

7. In addition, the physical KRC Safety quote included with the DBE Submittal has a total of \$45,850.00 vaguely referenced, but includes BOTH items 3 and 4, while Wabo counts the items twice on the Sub-contractor List. Again, this renders both forms inaccurate and therefore non-responsive.

As stated previously,

Cal Trans 2010 Standard Specifications, Section 2-1.33C states in part,

"...The Sub-contractor List must show the name, address, and work portions to be performed by each sub-contractor listed. Show work portions by bid item number, description, and percentage of each bid item sub-contracted."

And again, *"There must be continuity between the DBE Commitment Form and the Sub-Contractor List."*

Percentages of work by all of the Sub-Contractor's is not discernible,

Respectfully,



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