

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER, MS 43

1727 30th STREET

P. O. BOX 168041

SACRAMENTO, CA 95816-8041

PHONE (916) 227-6299

FAX (916) 227-6282

www.dot.ca.gov/hq/esc/oe

*Flex your power!
Be energy efficient!*

April 18, 2014

Facsimile: (818) 898-2330

Gustavo Velarde, CEO
Velarde Concrete Construction, Inc.
523 S. Brand Boulevard, Ste. 201
San Fernando, CA 91340

07-278204
07-LA-10, 110, 118, 134, 210, 710-Var
B.O. 03/27/2014

Dear Mr. Velarde,

The Department of Transportation (Caltrans) received the attached letter dated April 17, 2014, from Velarde Concrete Construction, Inc. (Velarde), protesting the bid documents submitted by STL Landscape, Inc. (STL). The protest alleges that STL failed to acknowledge the Addenda, and improperly submitted the Subcontractor List form and the Disadvantaged Business Enterprise (DBE) form by using bid item numbers to describe the work to be performed. Velarde requests that Caltrans find STL nonresponsive.

Caltrans conducted a review of the bid documents, as well as the protest and determined that during a review of initial bid documents, STL was notified that the addenda was not acknowledged. Upon our request to provide proof of acknowledgment, STL did acknowledge the addenda and that it was in fact incorporated in the bid. With respect to the protest as it relates to the Subcontractors List and DBE Commitment forms, it is acceptable for a bidder to use the descriptions as noted from the bid item list to complete the description of work to be performed.

Based on the findings above, Caltrans finds Velarde's protest does not have merit and will proceed to award this contract to STL Landscape, Inc.

If you have any questions, please contact Mulissa Smith, Contract Awards Branch Manager, 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

Attachment

**VELARDE CONCRETE
CONSTRUCTION, INC.**

April 18, 2014

FAXED 4/18/14 - 1 Page

John C. McMillan
Deputy Division Chief
Office Engineer
Division of Engineering Services
State of California Department of Transportation (Caltrans)
1727 30th Street, Bidder Exchange, MS 43
Sacramento, CA 95816-8041

Subject: Contract 07-278204
Bid Opened: March 27, 2014
Bid Protest of STL Landscape Inc.

Dear Mr. McMillan,

We called your office this morning to verify that you received our Protest letter which was faxed on 4/17/14 and we were told by Melissa Smith that our protest had no merit because your office had contacted STL Landscape regarding the fact that they failed to acknowledge the addendums.

No documentary evidence was made public that STL Landscape was contacted; furthermore, by Caltrans contacting and allowing STL to review the addenda instead of holding STL accountable to "properly complete" their bid packet as were the rest of the bidders it gave STL an unfair advantage over the other bidders who properly completed their bid forms. By giving STL time to review the addenda, which included several plan sheets, and then decide whether or not to pursue the contract or to disqualify themselves by choosing not to acknowledge said addenda and therefore be considered a nonresponsive bidder.

We are asking that STL's bid be deemed nonresponsive and that the contract be awarded to the next responsible bidder.

Sincerely,


Gustavo Velarde

**** Transmit Conf. Report ****

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CALTRANS CONTR AWARDS Fax 916-227-6282

Apr 18 2014 03:14pm

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STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

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