



May 27th, 2014

California Department of Transportation  
Division of Engineering Services  
Office Engineer  
1727 30<sup>th</sup> Street  
P.O. Box 168041  
Sacramento, CA 95816-8041

Attn: John C. McMillan – Office Engineer

Re: Contract Number 08-OR9704  
Bids Opened: May 15, 2014  
Bid Protest of Bowe Contractors Inc.

Dear Mr. McMillan,

Future DB hereby protests any forthcoming award of the above mentioned project to Bowe Contractors Inc. (Bowe) due to errors with their bid documents.

**Attempt to Claim Both the Small Business Preference, and the Non-Small Business Preference:**

Bowe's bid package and post-bid submittal shows that they attempted to claim both the Small Business Preference (Attachment A) and the Non-Small Business Preference (Attachment B). On the Caltrans website under "Frequently Asked Questions", it reads:

*To receive either the Small Business Preference or the Non-Small Business Preference, you must request either, but not both, preference by completing, signing and submitting form DES-OE-0102.7 with your bid. Failure to request either preference will not render the bid non responsive, but will disqualify your firm for the preference on the contract. Form DES-OE-0102.8 may be submitted with your bid or mailed such that it is received by the Department no later than 4 pm on the second business day after bid opening. If you make a mistake on DES-OE-0102.8, you may correct it as long as the corrected form is received no later than 4 pm on the second business day after bid opening.*



Bowe requested both preferences, and according to the Department guidelines, should be granted neither. They had until 4:00 pm on the second business day following the bid opening, and they made no attempt to correct their mistake. Based on these errors, Future DB requests that Caltrans remove Bowe's Small Business / Non-Small Business bid preference, re-rank the bidders, and award to the lowest responsive, responsible bidder.

Thank you,

**Future DB International Inc.**

A handwritten signature in black ink, appearing to read "Bisher Aljazzar", written over a white background.

Bisher Aljazzar  
President



# Attachment A

## Bowe's Small Business Preference

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION

**REQUEST FOR SMALL BUSINESS PREFERENCE OR NON-SMALL BUSINESS PREFERENCE**

DES-OE-0102.7 (REV 02/2010)

CONTRACT NO. 08 - 0R9704

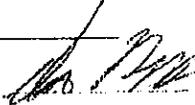
Complete one of the following:

• **Small Business Preference**

The undersigned requests small business preference and certifies, under penalty of perjury, that the firm meets the requirements of 2 CA Code of Regs § 1896 et seq. and is certified as a small business at the time and day of bid opening or has submitted a complete application to the Department of General Services (DGS) and is subsequently certified. The complete application and any required substantiating documentation must be received by DGS by 5:00 p.m. on bid opening date.

Small Business Certification (Reference) Number: 16991

Date: 5-15-2014

Signature: 

• **Non-Small Business Preference**

The undersigned requests non-small business preference and notifies the Department on the Certified Small Business Listing for the Non-Small Business Preference form that it commits to subcontract at least 25 percent of its bid amount with one or more firms that meets the requirements of 2 CA Code of Regs § 1896 et seq. and the firms are certified as small businesses at the time and day of bid opening or have submitted a complete application and are subsequently certified by the Department of General Services (DGS). The complete application and any required substantiating documentation must be received by DGS by 5:00 p.m. on bid opening date. List these firms on the Certified Small Business Listing for the Non-Small Business Preference form.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

**ADA Notice**

For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 664-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-09, Sacramento, CA 95814.



311 E. St. West (LA Bid 2014)

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
**CERTIFIED SMALL BUSINESS LISTING FOR THE NON-SMALL BUSINESS PREFERENCE**  
DES-OE-0102.8 (REV 2/2011)

**THIRD BIDDER**

**BIDDER NAME** Bowe Contractors Inc.

**CONTRACT NO.** 08 - OR9704

List the description of work, name, telephone number, certification number, and dollar amount of each certified small business who will be employed on this project. Failure to provide this information may be cause for denial of the non-small business subcontractor preference. Attach additional sheets if necessary.

Submit to:

MSC 43  
OFFICE ENGINEER  
DEPARTMENT OF TRANSPORTATION  
1727 30TH STREET  
SACRAMENTO, CA 95816-7005

Bid Item Number	Description of Work, Service, or Materials	Certified Small Business (Name, Telephone No., and Certification No.)	\$ Amount
1-5	All Work	Bowe Contractors Inc.	1,247,000--

Darin Bowe  
Person to Contact (Please Type or Print)  
661-940-0899  
(Area Code) Telephone Number

**Total Claimed Participation**

\$ 1,247,000--  
100 % of Contract

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# Confidential

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**To:** JOHN McMILLAN

**Company :** CALTRANS  
**Fax Number :** 19162276282  
**Phone Number :**

**From:** Future DB  
**Fax Number :** 949-732-4354  
**Phone Number :**

**Time Sent :** Tuesday, May 27, 2014 02:58PM  
**Pages :** 7  
**Description :** Contract#08-0R9704- Bid Protest of Bowe Contractors

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## MESSAGES:

Please find attached.

FUTURE DB INTERNATIONAL