

**Unique Performance  
Construction, Inc.**

1321 N. Jefferson St.  
Anaheim, CA 926807  
Phone: 714-528-2220  
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Lic.# 601860

May 14, 2015

Attn.: John McMillan

Department of Transportation  
Office Engineer  
1727 30<sup>th</sup> St. MSC 43  
Sacramento, CA 95816  
916-227-6294  
916-227-6282

Subject: 2<sup>nd</sup> Bid protest for Contract # 08-1E3204

Dear Mr. McMillan

I am in receipt of your letter dated 5/14/2015 regarding my protest for the bid of "Smart Tech Group Inc."

I think there was misunderstanding regarding my protest:

The percentage of submitted work items are wrong, I agree with you that "certified DVBE summary does not require a bidder to identify percentage of work" but as this certified DVBE act as a subcontractor too, his percentage should be right. Which were not.

Here is a schedule for items and percentage:

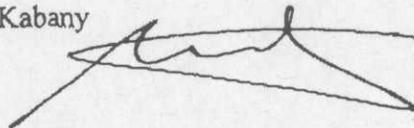
Item	Subcontractor	Smart Tech %	Actual %
3	Mallard const.	22 %	22.7% or 23%
6	Mallard const.	100%	75%
10	Mallard const.	100%	87%
12	Mallard const.	100%	87%
28	Mallard const.	100%	80%

For the above reason, I believe "Smart Tech Group Inc" should not be awarded this project

Thanks

Sincerely

Matt Kabany



Unique Performance Construction Inc.