



**HighLand**  
**Construction, Inc.**

Lic. #743775

July 24, 2013

John McMillan  
Department of Transportation  
Division of Engineering Services  
Office Engineer, MS 43  
1727 30<sup>th</sup> Street  
Sacramento, CA 95816-8041

Re: Contract Number 12-0L3804  
Bid Opening Date: June 27, 2013  
Response to Bid Protest by Desert Concepts Construction

Dear Mr. McMillan:

Reference is made to the bid protest submitted by AFSAR Law Group on behalf of Desert Concepts Construction dated July 23, 2013.

HighLand Construction, Inc. did not "fail to list" Global Transloading (GT) as a subcontractor because GT is not considered a subcontractor as defined by the Subletting and Subcontracting Fair Practices Act. GT is a "trucking" firm and a Certified DBE, whose classifications are defined as trucking. GT does not possess a contractor's license, which demonstrates that they are not a subcontractor nor are they required to be listed as a subcontractor, because they do not possess the means to perform the entire scope work as defined in the contract for Item #28.

GT is only providing the trucking transportation for the hazardous material (aerially deposited lead soil). GT was listed for this specific function (trucking) under Item #28 "partial" in our DBE Commitment as required by the contract's specifications. GT is providing a CUF as required by the contract and 49 CFR.

HighLand Construction, Inc. (HCI) is performing all the work associated with entire excavation, stockpiling management and loading the hazardous material into GT's trucks in order to be disposed of at a licensed hazardous waste facility, which is why our costs for Item #28 far exceed the cost of GT's participation. These trucks will be onsite and will be billed on an hourly basis, which is clearly outlined in GT's quote that was submitted with our DBE GFE.

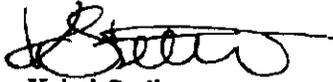
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A review Section 7026 of the Business and Professions Code, Section 4100 et. seq. of the Subletting and Subcontracting Fair Practices Act, and the volumes of case law will provide a clear distinctions between subcontractors and providers of trucking and/or equipment.

HighLand Construction, Inc.'s bid is responsive and as such, we would be the next apparent lowest bidder eligible for award of this contract.

If you have any further questions, please do not hesitate to contact our office. Thank you.

Respectfully,



Kristi Stelle  
VP of Operations

KS:er  
VIA: FAX & MAIL



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Construction, Inc.

Lic. #749775

**FACSIMILE TRANSMITTAL SHEET**

TO:	FROM:
John McMillan	Kristi Stelle
COMPANY:	DATE:
Department of Transportation	7/24/2013
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
916-227-6282	3
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:

REF: **12-0L3804 ~ BID PROTEST  
RESPONSE**

YOUR REFERENCE NUMBER:

URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY     PLEASE RECYCLE

NOTES/COMMENTS:

Please see attached.

Originals to follow.

If you did not receive any of the pages indicated, please call (714) 538-5156. Thank you.