

**DEPARTMENT OF TRANSPORTATION**

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER

P.O. BOX 168041, MS-43

SACRAMENTO, CA 95816-8041

PHONE (916) 227-6299

FAX (916) 227-6282

TTY 711

www.dot.ca.gov



0

P-

*Serious Drought.  
Serious drought.  
Help save water!*

July 21, 2015

Facsimile: (916) 652-1788

Dan McElvain, CPA  
Pacific Parks Landscaping  
3650 Cincinnati Avenue  
Rocklin, CA 95765

01-262064  
01-Men-101-48  
B.O. 04/28/2015

Dear Mr. McElvain:

The Department of Transportation (Caltrans) received letters dated May 22, 2015 and June 15 and 17, 2015, from Pacific Parks Landscaping, Inc. (Pacific Parks), protesting the bids submitted by Empire Landscaping, Inc. (Empire), Bortolussi & Watkin, Inc., (BW) and Habitat Restoration for the above referenced contract. The protest alleges that the bid submitted by Empire is mathematically unbalanced. The protest further alleges that BW listed J&M Landscape (J&M) to perform bid items 26 and 27 (Straw and Incorporate Materials) on its Subcontractors List form, but erred in listing the percentages of work to be performed. Lastly, the protest alleges that Habitat Restoration submitted its Disadvantaged Business Enterprise (DBE) Commitment submittal 19 days beyond the required submission deadline. Pacific Parks requests that Caltrans find these bids nonresponsive.

As this protest relates to the bid submitted by Empire, Caltrans after a review of the bid documents, found Empire's bid both mathematically and materially unbalanced. As such, Empire was not eligible for award of this contract.

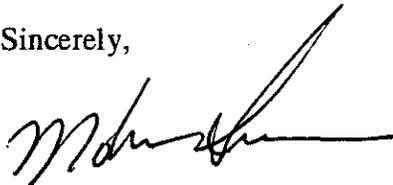
As this protest relates to the bid submitted by BW; BW listed the percentages of the work to be performed by J&M as 93.8 percent and 54.24 percent respectively for bid items 26 and 27. Caltrans does not perform calculations at bid time of the percentages listed on the Subcontractor's List form with regard to the amount listed for the particular item. Caltrans has found that frequently, the percentages of each bid item are not a one for one match with the dollar amounts listed on the DBE Commitment form since the total bid amount, and even individual bid items, may include the contractors profit and overhead. On this basis and in this instance, Caltrans does not agree that the bid submitted by BW is nonresponsive.

As this protest relates to the bid submitted by Habitat Restoration, Caltrans did not conduct a review of this bid, since the bid submitted by BW was found responsive to the contract requirements.

Mr. D. McElvain  
July 21, 2016  
Page 2

If you have any questions, please contact Mulissa Smith, Contract Awards Branch Chief, at (916) 227-6228.

Sincerely,



for JOHN C. McMILLAN  
Deputy Division Chief  
Office Engineer  
Division of Engineering Services

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

P. 1

CALTRANS CONTR AWARDS Fax 916-227-6282

Jul 21 2015 05:01pm

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
96521788	Normal	21:05:00pm	0'41"	2	* O K	

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

**DEPARTMENT OF TRANSPORTATION**  
DIVISION OF ENGINEERING SERVICES  
OFFICE ENGINEER  
P.O. BOX 168041, MS-43  
SACRAMENTO, CA 95816-8041  
PHONE (916) 227-6299  
FAX (916) 227-6282  
TTY 711  
www.dot.ca.gov



*Serious Drought.  
Serious drought.  
Help save water!*

July 21, 2015

Facsimile: (916) 652-1788

Dan McElvain, CPA  
Pacific Parks Landscaping  
3650 Cincinnati Avenue  
Rocklin, CA 95765

01-262064  
01-Men-101-48  
B.O. 04/28/2015

Dear Mr. McElvain:

The Department of Transportation (Caltrans) received letters dated May 22, 2015 and June 15 and 17, 2015, from Pacific Parks Landscaping, Inc. (Pacific Parks), protesting the bids submitted by Empire Landscaping, Inc. (Empire), Bortolussi & Watkin, Inc., (BW) and Habitat Restoration for the above referenced contract. The protest alleges that the bid submitted by Empire is mathematically unbalanced. The protest further alleges that BW listed J&M Landscape (J&M) to perform bid items 26 and 27 (Straw and Incorporate Materials) on its Subcontractors List form, but erred in listing the percentages of work to be performed. Lastly, the protest alleges that Habitat Restoration submitted its Disadvantaged Business Enterprise (DBE) Commitment submittal 19 days beyond the required submission deadline. Pacific Parks requests that Caltrans find these bids nonresponsive.

As this protest relates to the bid submitted by Empire, Caltrans after a review of the bid documents, found Empire's bid both mathematically and materially unbalanced. As such, Empire was not eligible for award of this contract.

As this protest relates to the bid submitted by BW; BW listed the percentages of the work to be performed by J&M as 93.8 percent and 54.24 percent respectively for bid items 26 and 27. Caltrans does not perform calculations at bid time of the percentages listed on the Subcontractor's List form with regard to the amount listed for the particular item. Caltrans has found that frequently, the percentages of each bid item are not a one for one match with the dollar amounts listed on the DBE Commitment form since the total bid amount, and even individual bid items, may include the contractors profit and overhead. On this basis and in this instance, Caltrans does not agree that the bid submitted by BW is nonresponsive.

As this protest relates to the bid submitted by Habitat Restoration, Caltrans did not conduct a review of this bid, since the bid submitted by BW was found responsive to the contract requirements.