

AFSAR LAW GROUP

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March 25, 2013

VIA FACSIMILE & U.S. MAIL ONLY

State of California Department of Transportation/Caltrans
Division of Engineering Services
Office Engineer
1727 30th Street
Sacramento, CA 95816

Re: Bid Protest on Contract Number 03-3F0304

To Whom It May Concern:

This office represents the legal interests of Desert Concepts Construction, Inc. It is my client's understanding that A. Teichert & Son, Inc. dba Teichart Construction (hereinafter "Teichart") is third low bidder. This correspondence is provided as a formal bid protest to the bid submitted by Teichart.

The bid of Teichert fails to meet the stated DBE Contract Goal. More specifically, the DBE contract goal for this project is 8%. In reviewing the DBE Commitment Form submitted by Teichert, it clearly indicates a total claimed participation of \$43,479.85 or just 3.12%. Special Provision 2-1.02 requires bidders to "[t]ake necessary and reasonable steps to ensure that DVBEs have the opportunity to participate in the contract." With 3.12% Total Claimed Participation, Teichert's bid has failed to meet the DVBE Contract goal and is therefore non-responsive.

It is well settled California law that a bid which deviates from bid requirements must be rejected as nonresponsive. California utilizes strict compliance to eliminate favoritism, fraud, corruption, and the misuse of public funds. Based on the foregoing, the Teichert bid must be deemed non-responsive and rejected.

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As always, we appreciate your time in reviewing the bid referenced herein and this correspondence in protest of same. If we can provide further assistance with regard to this project, please contact this office or Desert Concepts Construction, Inc. at your earliest opportunity.

Very truly yours,

AFSAR LAW GROUP, A.P.C.



Amir H. Afsar

cc: Client
AHA/jbl
L032013.ATelchart.BidProtest.doc



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Total Number of Pages 3 (Including This Cover Letter)

Please deliver the attached pages to:

Company: Department of Transportation – Division of Engineering Services
Office Engineer

Recipient's Fax No.: (916) 227-6282

From: Amir H. Afsar, Esq.
Transmitted From: (760) 345-3220

Re: Bid Protest on Contract Number 03-3F0304

Please see the attached correspondence.

If you have any additional questions, please don't hesitate to contact this office.

Thank you,

Original Sent By U.S. Mail: Yes [] No

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