

Empire Landscaping Inc

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May 7, 2013

State of California, Department of Transportation

Division of Engineering Services

Office Engineer, MS 43

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Sacramento, CA 95816-8041

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RE: Bid Protest #1

04-2G3614

B.O: 04/09/2013

Dear Mr. McMillan,

This is the response letter from Empire Landscaping, Inc to Bortolussi & Watkins Bid Protest #1 for contract # 04-2G3614. The protest letter is dated on April 10, 2013 and is in regarding to Line# 26 (Rock Blanket) and their opinion that Empire's pricing was clearly unbalanced or has a major mistake. Empire Landscaping Inc does not agree with this protest and we have a few concerns of our own about some of the Bortolussi & Watkins bid line items.

First, Empire Landscaping plants on doing the Rock Blanket work ourselves, no subcontractors will be utilized. Also, our foreman on the project and workers have experience doing this type of work. This item might be bid at a lower than ideal price, but no were near Bortolussi & Watkins assumed quantities and pricing. This being the case, Empire wants to make it clear to Caltrans we are very comfortable with doing this line item of the bid and look forward to doing this entire project.

If Caltrans looks at the overall initial bid, bidders 1-4 are all within 13% of each other on overall price. Second place bidder was only 3% and third place only 6.7% overall higher in price than Empire Landscaping Inc. Overall basis this was a very competitive bid for Caltrans.

Each contractor has their own strategies and ideas on how to put a bid together and how to price certain bid line items. For instance Caltrans might want to look at how does Bortolussi & Watkin plan on purchasing/acquiring /planting 146,000 plants for just \$.20/each (Line# 31; Plant Group H) Empire believes this is not a realistic unit price. Empire landscaping has similar concerns with the mulch and soil amendment line items (#29 & #28). On bid line #63 (.75" plastic pipe) Bortolussi & Watkin has a unit price of \$2.00/LF. Empire believes this is very high. Did Bortolussi & Watkin do this because the quantity of this item is large? Not sure, but again this is showing a company's individual approach to the bidding process. Then we review line #89 (Mobilization) Bortolussi & Watkin is 5 times higher than Empire Landscaping Inc's price. This is a good example of two companies' different approaches to bidding. Overall, empire is very comfortable with our bid as a whole and each individual item for the contract #04-2G3614.

We request that Caltrans continues the award process of this contract to Empire Landscaping Inc and we look forward to working on this project.

If you have any question or concern please call me at 530-400-3943

Cordially

A handwritten signature in black ink, appearing to read 'A. Gulcu', with a stylized flourish at the end.

Ahmet Gulcu President