

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER, MS 43

1727 30th STREET

P. O. BOX 168041

SACRAMENTO, CA 95816-8041

PHONE (916) 227-6280

FAX (916) 227-6282

TTY 711

*Flex your power!
Be energy efficient!*

May 6, 2013

Facsimile: (530) 757-1355

Ahmet Gulcu, President
Empire Landscaping
P.O. Box 35
Davis, CA 95617

04-2G3614
04-Ala-92,880-6.3/6.8, 15.5/16.8
B.O. 04/09/2013

Dear Mr. Gulcu:

The Department of Transportation (Caltrans) received the attached letter dated April 17, 2013 from Bortolussi & Watkin, Inc. (B&W) is protesting the bid submitted by Empire Landscaping (Empire). The protest alleges Empire failed to correctly complete column 3 of the Subcontractor list by not specifying percentages for partial bid items.

Please provide your response to B&W's protest no later than May 9, 2013.

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

Sincerely,


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

Attachment

BORTOLUSSI & WATKIN, INC.

General Landscape Contractors

77 LARKSPUR ST SAN RAFAEL, CA 94901-4886 Lic # 262905

Phone 415-453-4675 415-453-2978 Fax

17 April 2013

State of California, Department of Transportation
Division of Engineering Services
Office Engineer, MS 43
1726 30th Street
PO Box 168041
Sacramento, CA 95816-8041
Fax 916.227.6282

RE: BID PROTEST #2
CT#: 04-2G3614 (4/9/2013)

Dear John C. McMillan,

Bortolussi & Watkin, Inc. ("B&W") protests the bid of the above-referenced contract of the low bidder, Empire Landscape Inc. ("Empire"). Empire has incorrectly completed column 3 of the subcontractor list.

The subcontractor list states: Failure to provide complete information in columns 1 through 4 within the time specified will result in a nonresponsive bid. Empire has failed to provide complete information in column 3 of the subcontractors list. It appears Empire has listed percentages that reflect the total amount of their bid rather than a percentage of the bid item subcontracted. When completing the bid subcontractor listing the bidder must specify percentages for partial items. In this instance Empire did not specify any partial percentages for items therefore making their subcontractor listing percentages incorrect.

PRECEDENCE:

On February 21, 2013 Caltrans issued a Non-responsive bid letter finding the bid of C. Overaa & Co. to be nonresponsive for the exact reason as stated above. Contract 04-014084 (04-Ala-80-2.2) - Oakland Bay Bridge Maintenance Yard, Caltrans found the following: *"Overaa listed percentages that reflect the total amount of their bid rather than a percentage of the bid item subcontracted, therefore the bid is inaccurate".*

Accordingly, B&W respectfully request that Caltrans reject Empires bid as being nonresponsive and continue to award the project to the lowest responsible bidder.

Sincerely,

BORTOLUSSI & WATKIN, INC.

Michael Reinbolt

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
 DES-OE-0102.2 (REV 3/2011)

Bidder Name: GEORGE REED, INC.

The bidder must identify each subcontractor performing work in an amount in excess of 1/2 of 1 percent of the total bid or \$10,000, whichever is greater (Pub Cont Code § 4100 et seq.). Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916) 227-6282 within 24 hours after the bid opening. Failure to provide complete information in columns 1 through 4 within the time specified will result in a nonresponsive bid.

Column 1: Business Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
SAMBRANO TRAFFIC CONTROL WILTON, CA	3	48%	TRAFFIC CONTROL (P)
SIERRA STRIPING, INC. LOOMIS, CA	7,8,16, 17,18,19, 20,21	100%	REMOVE THERMO THERMO TRAFFIC STRIPING THERMO PAVEMENT MARKINGS PAVEMENT MARKERS
INTERMOUNTAIN FRENCH CAMP, CA	9,10,11, 12	100%	SAND COVER (SEAL) ASPHALTIC EMULSION (FOG SEAL) ASPHALTIC EMULSION (POLYMER MODIFIED) SCREENINGS (MEDIUM)

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3680 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

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

P.1
CALTRANS CONTR AWARDS Fax 916-227-6282

May 6 2013 02:53pm

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
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STATE OF CALIFORNIA - BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

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DIVISION OF ENGINEERING SERVICES
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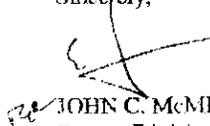
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