



Clean Cut
— LANDSCAPE —

Department of Transportation
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RE: Cal Trans Bid #06-0Q2104

Dear Mr. McMillan,

Thank you for the response by the attorneys for WABO Inc.. The first bid document provided by WABO is material and is not "superfluous" (2 times) or "irrelevant" (5 times) for the following unaddressed reasons:

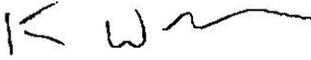
1. The original quote had "use partial" on it, written in hand, by the bidder. This clearly identifies THIS submitted document as the document in play. Further, this is made clear by the fact it:
 - a. Has a different item description.
 - b. Has differing quantities.
 - c. Has different quote number.
2. The original overall bid by WABO could not have been submitted on bid day without the first quote from Sam's and original document that is labeled "use partial" on it because there would have been NO ability to price the project without it. Therefore, the original quote by definition is even more relevant than the 2nd document.
3. It entirely stretches credibility to spend 4 pages explaining why a document is "irrelevant" and "superfluous" and "immaterial" yet at the same time take 4 pages to explain it.
4. The original quote is "material" in that the original bid from Sam's was used to assign costs at bid time, and this provides a competitive advantage after bid by NOT supplying 743 Tons at a savings of \$51,073.82 using the "new and improved" quote. This allows the freedom to submit a lower price on bid day by knowing that post bid manipulation is acceptable and most likely "planned on." Unfortunately, this was documented in the bid submission in writing.
5. Finally, Sam's attorney maintains that the first quote was "amended" by the 2nd quote, even though it had a different quote number, different material, different quantity and had the self-acknowledging "use partial" hand written on it. Yet at the same time WABO's attorney maintains it is irrelevant, immaterial and superfluous. How can the first quote be immaterial, irrelevant and superfluous (WABO's attorneys) and yet somehow amended (Sam's attorney) at the same time?

It cannot. The words of the 2 attorney's only simply confirm our original protest.

The truth is the original quote is more relevant than the second differing quote also submitted by WABO with the Summary. This is the written account of the bid documents themselves. It is no fault of Clean Cut that the differing bid documents provided by WABO have "material variations" that provide a competitive advantage by altering the costs AND the quantities, AND the overall profit on the project by at least an appearance of post bid manipulation. Clean Cut is only stating the obvious and respectfully asks that the bid by WABO be found non-responsive.

In regards to other miscellaneous comments by the attorney's for WABO, at this time the bid documents of Clean Cut are not in question; we are in no way the apparent low bidder. Clean Cut is irrelevant. However, if we were relevant, North Valley is a supplier,

Respectfully,



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