

**J. FRANCIS COMPANY, INC – 16197 Krameria Ave., Riverside, CA 92504**  
**Ph. (951)776-9100 – Fx. (951)776-9174 - website: jfranciscompany.com**

To: State of California  
Department of Transportation  
1727 30<sup>th</sup> Street  
Sacramento, CA 95816

January 26, 2014

Fax #: 916.227.6282

Attn: Office Engineer

Re: Bid Protest  
Bid Date: 01/16/2014  
Contract #: 07/1W5804  
Project ID: 0712000359  
DVBE Required Participation: 5%

Dear Office Engineer:

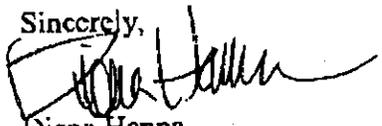
J. Francis Company protests the award of the above referenced project to Autobahn Construction Inc. as their bid is non-responsive for the following reasons:

The PAM, Chapter 3, Topic 2, Infoblock 3.2.5 describes that all California certified SBs and DVBEs contractors, subcontractors and suppliers that bid on or participate in a state contract regardless of the procurement approach or the payment method must perform a Commercially Useful Function (CUF)

The quote from James David Lawrence (DVBE for Autobahn) does not specify products supplied, nor does this company manufacturer any CalTrans approved product for line item 21 (which are sold directly to contractors). Since James David Lawrence is not listed as a subcontractor, this appears to be a "pass-through" company, and thereby does not add any value to the contract. James David Lawrence does not perform a Commercially Useful Function with regard to this bid.

The adjusted participation is 0%. The project requirement is 5% this means Autobahn Construction Inc's bid is non-responsive and should not be considered.

Sincerely,

  
Diana Hanna  
President