



August 29, 2013

Via Facsimile & U.S. Mail
Atten: John Mc Millan
Department of Transportation
Division of Engineering Services
Office Engineer MS 43
1727 30th Street
Sacramento, CA 95816-804

Re: Contract Number: 07-2768U4
Bid Opening Date: 08-08-13
Bid Protest: STL Landscape

Dear Mr. McMillian,

YAKAR has reviewed the bid forms and DBE Commitment Form as submitted by the apparent low bidder, STL Landscape and is requesting that Caltrans find STL non-responsive due to the following reasons:

DBE Submittal:

Upon observation of STL Landscape DBE Submittal, STL Landscape has not met the requirements of Section 2, 2-1.12B(2) of Caltrans Special Provisions. Section 2 indicates, "If the UDBE commitment form is not submitted with the bid.... The UDBE commitment form must be received by the Office Engineer no later than 4:00 p.m. on the 4th business day after bid opening."

Please see attached STL Landscape DBE Submittal; Project bid date is 8-8-13, pursuant to Section 2, the DBE Commitment form must be submitted no later than 8-14-13, 4pm. STL Landscape DBE Commitment form has been stamped received by the Office Engineer on 8-21-13, which deems STL Landscape non-compliant and non-responsive with Section 2.

In addition, to solidify the statement, within STL's DBE Submittal, STL has procured DBE Subcontractors information from, Department of Transportation, Query Search on 8-20-13, after the deadline of 8-14-13, 4pm.

STL has also failed to submit any good faith efforts pursuant to Section 2-1-12B(3).



Inconsistencies Listed in its Subcontractors List Form and DBE Commitment Form:

STL submitted its DBE Commitment form listing ESWPP Consultants to perform Bid Item, 1, 4, 5 and 6, decried as, Lead Compliance Plan, Job Site Management, Prepare Storm Water Pollution Prevention Plan, Storm Water Annual Report. However, on the Subcontractors List form submitted on 8-8-13, ESWPP was not listed. STL failed to list ESWPP to perform any portion of the work described as, Lead Compliance Plan, Job Site Management, Prepare Storm Water Pollution Prevention Plan, Storm Water Annual Report.

Unbalanced bid amounts for Item 23, 24 and 33, in comparison to the averages to submitted bids. The average for bid Item No. 23, is \$252, Item No. 24, is \$258, and Item No. 33, is \$2033. In comparison to STL submitted bid amounts for Item No. 23, 24 and 33, the numbers are unbalanced, inconsistent and well above averages.

STL bid Item No. 23, is \$1,000 which is 400% more than the average. Item No. 24, is \$1,100 which is 425% more than the average. Item No. 33, is \$25,000 which is 1200% more than the average.

Based on the above, Caltrans shall find STL Landscape, bid nonresponsive, due to failure to submit the DBE Commitment Form within specified time, inconsistencies in listed subcontractors, and unbalance bid. We hereby protest STL Landscape Bid, in all fairness to bidding contractors.

If you have any further questions, please do not hesitate to contact our office.

Respectfully,



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