

**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

March 8, 2016

Fax #: 916.227.6282

Attn: Mulissa Smith

Re: Bid Protest 1  
Bid Date: 02/17/2016  
Contract #: 07-2W6404  
Project ID: 0713000430  
DVBE Required Participation: 5%

Dear Mulissa;

J. Francis Company protests the award of the above referenced project to O'Donnell Construction Inc. for the following reasons:

I. Special Provisions Section 2-1.15C(3) Incentive Evaluation States...." a small business bidder with higher DVBE achievement can displace another small business bidder." J. Francis has .7% more DVBE participation than O'Donnell Construction. Our bid total is 555,938.48 when this amount is adjusted for the additional DVBE participation our comparable price is 552,040.44, which is below O'Donnell's bid.

II. Special Provisions Section 2-1.18B Small Business Preference states that "The Department allows a bidder certified as a small business by the Department of General Services, Office of Small Business and DVBE Services, a preference if: 1. Bidder submitted a completed Request for Small Business Preference or Non-Small Business Preference form with its bid...". In their letter date February 18, 2016, O'Donnell Construction admitted the absence of this requirement.

Based on either of these, J. Francis Company becomes the lowest bidder.

Sincerely,



Diana Hanna  
President