

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER

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www.dot.ca.gov

*Serious Drought.
Help save water!*

January 20, 2016

Facsimile: (951) 352-5595

Erwin Mendoza, President
High-Light Electric, Inc.
P.O. Box 7339
Riverside, CA 92513

12-0H2254
12-Ora-73-26.1/28.0
B.O. 12/3/2015

Dear Mr. Mendoza:

The Department of Transportation (Caltrans) received letters dated December 17, and 23, 2015 and January 7, and 18, 2016, from High-Light Electric, Inc. (HLE), protesting the bid submitted by Smart Tech Group (Smart Tech). The protests allege that Smart Tech submitted a late Bidder's Security and that Caltrans rescinded its initial nonresponsive finding due to shippers handling. The protest further alleges that on its Subcontractor's List and Disadvantaged Business Enterprise (DBE) Commitment forms, Smart Tech listed California Professional (CP) to perform bid item 14 (Communication System); however, on the quote and written confirmation form, CP was identified as performing bid item 15 (Closed Circuit Television System).

Caltrans has reviewed the bid documents submitted by Smart Tech, as well as, the protests and does not agree that the bid submitted by Smart Tech is non-responsive. Caltrans received an affidavit from Fed Ex forwarded by Carla Laszewski, Lead Counsel, Employment Law Group, Federal Express confirming that delivery of Smart Tech's Bidders Bond was delayed as a result the plane on which this package traveled to the FedEx Memphis Hub arrived late which caused the package to miss its departure flight and delaying delivery of the package. Based on the affidavit submitted by FedEx, Caltrans has determined that Smart Tech sent its Bidders Bond in a timely manner to ensure delivery to Caltrans prior to bid opening and that the circumstances delaying delivery were beyond the control of Smart Tech. It is Caltrans' determination that had Smart Tech failed to abide by its bid, the Bidders Bond would have been in place for Caltrans to collect on. Therefore, any discrepancy created by the delayed delivery of the Bidders Bond under these particular circumstances did not give Smart Tech a competitive advantage and is therefore an immaterial discrepancy that can be waived by Caltrans at its discretion.

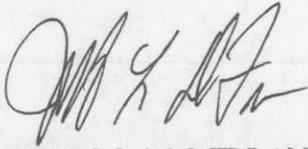
As the protest pertains to bid item 14, Smart Tech properly identified bid item 14 on bid day and on the DBE submittal. The discrepancy occurred on the commitment form submitted by California Professional Engineering and Caltrans can only assume that the DBE firm, erred in identifying the bid item number it was performing. This error is immaterial to the bid and does not provide an unfair competitive advantage to Smart Tech. Therefore, Caltrans can waive the error.

Mr. Mendoza
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Based on the above, Caltrans finds that this protest will have no bearing on the award of this contract and will proceed to award the contract to the lowest responsible bidder, provided that all requirements have been met.

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

Sincerely,



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

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

P. 1
CAL/TRANS PLANS COUNTER

Jan 20 2016 03:35pm

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
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STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

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