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December 17, 2015

Caltrans Office Engineer  
**Attn: John C. McMillan**  
PO Box 168041  
Sacramento, CA 95816-8041

**RE Caltrans Contract No. 12-0H2254 Bid Date 12.3.15**  
**Follow-up on Non Responsive Bid Submitted by Smart Tech**

Dear Mr. McMillan,

High Light Electric, Inc. ("HLE") has reviewed the correspondence regarding Smart Tech's (apparent Low Bidder) non responsive bid. Caltrans has deemed their bid non responsive for failure to submit bidder security prior to bid opening. Smart Tech has responded that FedEx is to blame for the late submission of bidder security, and requested an extension of the award to resolve the issue. HLE supports Caltrans' assessment of Smart Tech's bid as non-responsive, and encourages strict compliance with all bidder requirements to ensure an equal playing field. Smart Tech failed to submit the bidder's bond timely pursuant to sections 2-1.33 of the project amended standard specifications. HLE requests that Caltrans award the contract to HLE as the lowest responsive bidder.

HLE encourages Caltrans to reject Smart Tech's bid as non-responsive because to allow Smart Tech to "game" the bidding system by not submitting bidder security in compliance with the bid requirements would result in an unfair advantage and allow a bidder to withdraw a bid they realized may have been detrimental to their company. The circumstance was known and/or existed prior to bid opening. If bidders realize that Caltrans may accept bids despite failure to submit bidder security, they may be encouraged to assert their bids should not be accepted and request relief on that basis if they grow uncomfortable with their bids after the opening and preliminary results are released.

HLE believes that strict compliance with the bid submission requirements will ensure an equal playing field and preclude any "gamesmanship" or intentional manipulation of the Owner by bidders, especially where bidders may discover that they are much lower than other Contractors and wish to be relieved based on their own, intentional noncompliance.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Erwin Mendoza", is written over the word "Sincerely,".

Erwin Mendoza  
**President**

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# Facsimile Cover Sheet

**To:** 9162276282@rcfax.com  
**Company:**  
**Phone:**  
**Fax:** +19162276282

**From:** Erwin Mendoza  
**Company:** High Light Electric Inc.  
**Phone:** (951) 352-9646 \* 121  
**Fax:** (951) 352-2498

**Date:** 12/17/2015

**Pages including this  
cover page:** 2

**Comments:**

Caltrans Bid Protest 12-0H2254 Bid Date 12.3.15