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January 18, 2016

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

RE Caltrans Contract No. 12-0H2254
Followup on Non Responsive Bid Submitted by Smart Tech

Dear Mr. McMillan,

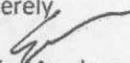
On December 16, 2015, High Light Electric, Inc. ("HLE") submitted correspondence regarding Smart Tech's non responsive bid, for failure to submit bid bond with the bid. Initially, Caltrans deemed their bid non responsive for failure to submit bidder security prior to bid opening. Smart Tech responded that FedEx was to blame for the late submission of bidder security, and requested an extension of the award to resolve the issue. HLE supported Caltrans' assessment of Smart Tech's bid as non-responsive, and encouraged strict compliance with all bidder requirements to ensure an equal playing field. HLE requested that Caltrans maintain its initial assessment of non-responsive bid by Smart Tech, and award the contract to HLE as the lowest responsive bidder. As it turns out, Caltrans rescinded its initial letter notifying Smart Tech that it was non-responsive, reusing to enforce strict compliance with the bid requirements. The contract has yet to be awarded, however.

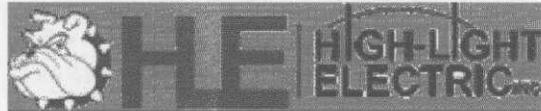
HLE now has discovered that Smart Tech has *admittedly* not complied with the DBE requirements in the bid documents. This second error also renders their bid non-responsive. Here, the period for correcting clerical errors has passed. As such, for the second separate failure by Smart Tech to comply with the bid documents, their bid should be rejected and the contract awarded to HLE as the second low responsive bidder.

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 subcontractors and wish to be relieved based on their own, intentional non-compliance. Here, Smart Tech has failed *twice* to comply with the bid requirements, and Caltrans should reject the bid. Caltrans must only accept timely submitted, *complete* bid packages. Fairness in public works bidding is essential, and where a contractor fails on *multiple bases* to deliver a bid in compliance with the requirements, the integrity of the process is compromised unless their bid is deemed non-responsive.

Thank you for your time and consideration.

Sincerely,


Erwin Mendoza
President



FAX

Date: 01/18/2016

Pages including cover sheet: 3

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NOTE:

Caltrans Bid Protest 12-0H2254 Bid Date 12.3.15 (DBE Protest)