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January 21, 2016

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

**RE Caltrans Recurring Non-Enforcement of Bid Requirements**

Dear Mr. McMillan,

High Light Electric, Inc. ("HLE") is in receipt of your letter dated January 20, 2016 rejecting HLE's second protest of Smart Tech's bid on Contract No. 12-OH2254. Caltrans intends to proceed with award of the contract to Smart Tech. This is another incidence of Caltrans refusing to enforce the bid requirements. HLE submits this letter with the hope that Caltrans will take action and enforce the bid requirements to protect the integrity of public work bidding and foster public trust.

Caltrans has repeatedly rejected HLE's bid protests which were submitted for good cause. Each of HLE's bid protests set forth below were based on the apparent low bidder's failure to comply with the bid requirements. The bases for HLE's protest have previously been deemed sufficient to reject different bids as non-responsive by Caltrans. However, when HLE submits a protest on the same basis, it is rejected and the contract is awarded.

1. **Contract No. 12-OH2254:** HLE submitted bid protests on two separate and independently sufficient failures by the apparent low bidder (no bid security, incorrect DBE info). Caltrans waived the bid requirements in both instances.
2. **Contract No. 07-293804:** HLE protested the first and second low bidder's bid for failure to accurately list subcontractor license information and for listing subcontractors for greater than 100% of certain items. Caltrans enforced the bid requirements as to the first low bidder (Steiny), waived the bid requirements as to the second low bidder (Crosstown), and proceeded with award of the contract.

HLE requests that Caltrans enforce the bid requirements. To continually waive the bid requirements nullifies the intent and policy of implementing the requirements in the first place. At this point, it seems that bid security is not necessary to submit, nor is correct and accurate subcontractor information. Further, it seems that Caltrans simply does not care whether a contractor lists multiple subcontractors for an entire item, which can enable a prime contractor to sub bid shop. These are stalwart requirements in Caltrans bid packages. Caltrans should not arbitrarily waive them and unilaterally deem *their own* waiver "non material." Caltrans must ensure public trust in the competitive bidding system by enforcing bid requirements.

Thank you for your time and consideration.

Sincerely,

  
Erwin Mendoza  
President