

AFSAR LAW GROUP

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July 23, 2013

VIA FACSIMILE & U.S. MAIL ONLY

State of California Department of Transportation/Caltrans
Division of Engineering Services
Office Engineer
1727 30th Street
Sacramento, CA 95816

Re: Bid Protest on Contract Number 12-0L3804

To Whom It May Concern:

This office represents the legal interests of Desert Concepts Construction, Inc. It is my client's understanding that Highland Construction, Inc. (hereinafter "Highland") is third low bidder. This correspondence is provided as a formal bid protest to the bid submitted by Highland.

The bid of Highland fails to follow instructions included on the face of the DBE Commitment form. More specifically, the DBE commitment form requires that "[n]ames of the first Tier DBE Subcontractors and their respective item(s) of work listed above must be consistent, where applicable, with the names and items of work in the "List of Subcontractors" submitted with your bid." Here, Highland submits a DBE Commitment form showing Contract No. 28 (Partial) to be completed by Global Transloading. The Subcontractor List, however, fails to show Global Transloading whatsoever.

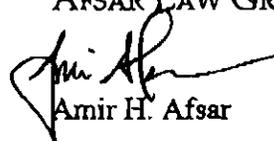
The Subcontractor List itself states, "[t]he bidder must identify each subcontractor performing work in an amount in excess of 1/2 of 1 percent of the total bid or \$10,000, whichever is greater. ... Failure to provide complete information in columns 1 through 4 within the time specified will result in a non-responsive bid." With Global Transloading listed on the DBE Commitment as performing Dollar Amount DBE valued at \$118,065.60 it is unquestionable that Global Transloading was required to be listed on the Subcontractor List and the failure to include them renders Highland's bid non-responsive.

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As always, we appreciate your time in reviewing the bid referenced herein and this correspondence in protest of same. If we can provide further assistance with regard to this project, please contact this office or Desert Concepts Construction, Inc. at your earliest opportunity.

Very truly yours,

AFSAR LAW GROUP, A.P.C.



Amir H. Afsar

cc: Client
AHA/jbl
L072313.HighlandConst.BidProtest.doc



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Total Number of Pages 3 (Including This Cover Letter)

Please deliver the attached pages to:

Company: State of California Department of Transportation/Caltrans
Office Engineer
Recipient's Fax No.: (916) 227-6282
From: Amir H. Afsar, Esq.
Transmitted From: (760) 345-3220

Re: Bid Protest on Contract Number 12-0L3804

Please see the attached correspondence.

If you have any additional questions, please don't hesitate to contact this office.

Thank you,

Original Sent By U.S. Mail: Yes [] No

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