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April 30, 2015

VIA FACSIMILE AND U.S. MAIL

John C. McMillan
Deputy Division Chief
Office Engineer
Division of Engineering Services
P.O. Box 168041, MS-43
Sacramento, CA 95816-8041

**Re: Response to Bid Protest of R N R Construction, Inc.
02-3E7304
02-Sis-5-68.3
B.O. 4/2/2015**

Dear Mr. McMillan:

On behalf of our client J.F. Shea Construction, Inc., this letter responds to the bid protest letter submitted by disappointed third-low bidder R N R Construction, Inc. on or about April 20, 2015. As you know, disappointed bidder R N R also has submitted a letter protesting the bid of Shasta Services, Inc. dba Timberworks.

R N R's protest directed to J.F. Shea's bid is without merit for two basic reasons. First, it is based on speculation rather than facts. And second, it ignores the fact that J.F. Shea not only met the 5% DBE goal for the project but also submitted all of the that goal.

R N R's Protest Is Based On Speculation

R N R acknowledges that T.K. Blackburn Trucking is a properly certified DBE. However, R N R speculates that because Blackburn's DBE listing states that it has 3 trucks "for hire," this somehow means that Blackburn cannot provide DBE-qualified trucking services in an amount sufficient to provide the DBE participation percentage stated in J.F. Shea's DBE - Commitment form. The speculative nature of R N R's protest is evident from the wording of its own letter, which relies on statements such as Blackburn "*likely may not meet* stipulated hours of trucking ..." and "*likely may not meet* the trucking requirements of this project within required contractual timeframe (sic) for earthwork ..." [Italics added.]

Further, R N R's protest is speculative on multiple levels. As a threshold matter, it speculates that Blackburn may not be able to provide sufficient trucking services for the project with its own 3 trucks. Then it speculates that if Blackburn does need more than 3 trucks to meet J.F. Shea's needs for the project, it will be unable or unwilling to provide the additional trucks in a manner which meets DBE participation requirements. In both instances, R N R's speculation is unsupported.

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R N R provides no specific information or calculations to support its bald assertion that Blackburn will need to provide more than 3 trucks. Moreover, R N R admits that if additional trucks are needed Blackburn still can meet the applicable DBE requirements in at least two ways: (1) by leasing trucks from another DBE firm, including an owner-operator who also is certified as a DBE, or (2) by leasing trucks without drivers from a non-DBE leasing company and using its own employees as drivers. After receipt of R N R's protest, J.F. Shea contacted Blackburn and Blackburn reaffirmed that it is ready, willing and able to provide DBE trucking services in an amount which is sufficient to meet the DBE participation level stated by J.F. Shea in its DBE - Commitment form. R N R offers only unsupported speculation to the contrary.

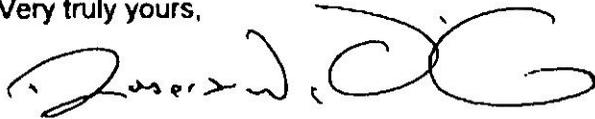
R N R's Protest Ignores J.F. Shea's Good Faith Efforts Documentation

As you know, bidders on federal-aid projects such as this one may meet the DBE requirements "by either documenting commitments to DBEs to meet the Contract goal or by documenting adequate good faith efforts to meet the Contract goal." (2-1.12B(3). [Emphasis added.] In this instance, J.F. Shea has both met the goal and submitted the documentation required to demonstrate its good faith efforts. R N R's bid protest, however, conveniently ignores J.F. Shea's good faith efforts submission.

Conclusion

R N R's bid protest is without merit and should be rejected. J.F. Shea was and is the lowest responsible bidder for this project.

Very truly yours,



Robert W. O'Connor

ROC:

cc: Brock Kernaghan (Via Email)
Kirk Johnson (Via Email)
Ed Kernaghan (Via Email)



Facsimile Cover Sheet

TO	PHONE NO.	FAX NO.
John C. McMillan, Deputy Division Chief Division of Engineering Services		916-227-6282

FROM: Vimi Sharma
 Direct Phone: (916) 551-2929
 Fax: (916) 442-2348

DATE: April 30, 2015

RE: Response to Bid Protest of R N R Construction, Inc.

PAGES: 3 (including cover page)
 Original to Follow by U.S. Mail

Please see attached correspondence of today's date.

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IF YOU DO NOT RECEIVE ALL OF THE TRANSMITTED PAGES, PLEASE CALL VIMI SHARMA AT (916) 551-2929.

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