

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER
P.O. BOX 168041, MS-43
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6299
FAX (916) 227-6282
TTY 711
www.dot.ca.gov



*Serious draught.
Help save water!*

May 7, 2015

Facsimile: (530) 246-4292

Ed Kernaghan, Vice President
J.F. Shea Construction, Inc.
P.O. Box 494519
Redding, CA 96049-4519

02-3E7714
2-Tri-299-36.9/53.5
B.O. 4/8/15

Dear Mr. Kernaghan,

The Department of Transportation (Caltrans) received a letter dated April 15, 2015 from J.F. Shea Construction, Inc. (J.F. Shea) and April 30, 2015, from Robert W. O'Connor of Hanson Bridgett LLP, on behalf of J.F. Shea protesting the bid submitted by Mercer-Fraser Company for the above referenced contract. The protest alleges that Mercer-Fraser submitted an incomplete Disadvantaged Business Enterprise (DBE) Commitment form that excluded information, specifically, the total number of all subcontracts (DBE & Non DBE), the total value of all subcontracts (DBE & Non DBE) and the work category codes.

Although the exclusion of these items may be characterized as a deviation in the bidding documents, Caltrans has determined that this is an immaterial deviation, as it does not affect the bid amount. It is therefore, within Caltrans' discretion to waive the immaterial deviation. As such, Caltrans finds that the protest by J.F. Shea is without merit and Mercer-Fraser's bid is not non-responsive as alleged by J.F. Shea.

Based on the above, Caltrans will proceed to award this contract to the lowest responsible bidder, provided that all requirements have been met.

If you have any questions, please contact Mulissa Smith, Contract Awards Branch Chief, at (916) 227-6228.

Sincerely,

A handwritten signature in black ink, appearing to read "John C. McMillan".

JOHN C. McMILLAN
Deputy Division Chief
Office Engineer
Division of Engineering Services

cc: Robert W. O'Connor

**** Transmit Conf. Report ****

P.1
CALTRANS CONTR AWARDS Fax 916-227-6282

May 7 2015 03:57pm

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
915302464292	Normal	07:03:57pm	0'28"	1	# 0 K	

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

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JOHN C. McMULLAN
Deputy Division Chief
Office Engineer
Division of Engineering Services

cc: Robert W. O'Connor

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P. 1
CALTRANS CONTR AWARDS Fax 916-227-6282

May 7 2015 03:59pm

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
94913073	Normal	07:03:59pm	0'33"	1	O K	

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