

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 drought.
Help save water!*

May 7, 2015

Facsimile: (707) 443-0277

Justin Zabel, President
Mercer-Fraser Company
P.O. Box 1006
Eureka, CA 95502

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

Dear Mr. Zabel,

The Department of Transportation (Caltrans) received a letter dated April 27, 2015, from Jennifer L. Dauer of Diepenbrock Elkin LLP on behalf of Mercer-Fraser Company (Mercer-Fraser) in response to a bid protest from J.F. Shea Construction, Inc. (J.F. Shea). 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 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", written over a large, faint circular stamp.

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

cc: Jennifer L. Dauer

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

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

May 7 2015 04:01pm

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
917074430277	Normal	07:04:01pm	0'26"	1	# O K	

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

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Office Engineer
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cc: Jennifer L. Dauer

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

May 7 2015 04:05pm

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
94462640	Normal	07:04:05pm	0'17"	1	# 0 K	

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