

**DEPARTMENT OF TRANSPORTATION**

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER

1727 30<sup>th</sup> STREET, MS-43

SACRAMENTO, CA 95816-8041

PHONE (916) 227-6299

FAX (916) 227-6282

www.dot.ca.gov/hq/esc/oe

*Serious drought.  
Help save water!!*

January 9, 2015

Facsimile: (925) 838-5915

Hal Stober, President  
Gordon N. Ball, Inc.  
333 Camille Avenue  
Alamo, CA 94507

03-4F3404  
03-Pla, Nev-80-69.3/69.8, 0.0/R2.3  
B.O 10/15/2014

Dear Mr. Stober:

The Department of Transportation (Caltrans) received a bid submitted by Gordon N. Ball, Inc. (Gordon Ball) for Contract No. 03-4F3404 on October 15, 2014. By this letter, Caltrans notifies Gordon Ball that its bid is nonresponsive due to an inconsistent Subcontractor's List form and Disadvantaged Business Enterprise (DBE) Commitment form.

The Subcontractor List form identifies KRC Safety as performing Bid Items 2 and 3(partial) (Construction Area Signs and Traffic Control), Camblin as performing 28 partial (Rebar) and Selby's 18 and 19 (Erosion Control) and Austin Enterprises 24 partial (Joint Seal). The DBE Commitment form identifies KRC as performing bid items 2,3,4,5,31,32 (CAS, Traffic Control, Traffic Plastic Drum, Portable CMS, Delineators, Underdrain Markers).

After a review of DBE Commitment form, Caltrans found that item 4, Traffic Plastic Drum was not listed by item number on the Subcontractor List, however it is covered under the description of work to be performed on the Subcontractors List form and does not therefore render the bid nonresponsive. However, Caltrans finds your bid to be nonresponsive on the following grounds:

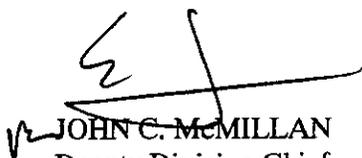
- (1) Item 31, Delineators was not listed on the Subcontractor List, is not considered traffic control work, and is permanent work, as per KRC's quote installation is included in the costs. Therefore, the addition of this item expands the scope of work to be performed by KRC.
- (2) Item 32, Underdrain Markers was not listed on the Subcontractor List and is not considered traffic control work. Therefore, the addition of this item expands the scope of work to be performed by KRC.
- (3) Item 28, Minor Concrete was listed on the DBE Commitment form as work to be performed by Austin Enterprises, however Item 28 was not listed as being performed by Austin Enterprises on the Subcontractor List.

The DBE Commitment Form specifically states, "IMPORTANT: Identify all DBE firms being claimed for credit, regardless of tier. Names of 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 "Subcontractor List" submitted with your bid. Copies of DBE quotes are required." Therefore, any discrepancy between the items of work listed for the subcontractors on the Subcontractor List and the items of work listed for the same subcontractors on the DBE Commitment form is grounds to find the bid nonresponsive. Since discrepancies exist in the bid submitted by Gordon N. Ball between the DBE Commitment Form and the Subcontractor List, it is within the discretion of Caltrans to find Gordon N. Ball's bid nonresponsive.

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

If you have any questions, please contact Earl Seaberg, Chief Contract Awards, at (916) 227-6280.

Sincerely,

A handwritten signature in black ink, appearing to read "John C. McMILLAN", is written over a horizontal line.

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

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

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

Jan 9 2015 10:38am

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
919258385915	Normal	09:10:37am	0'26"	2	# O K	

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

**DEPARTMENT OF TRANSPORTATION**

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER

1727 30<sup>th</sup> STREET, MS-43

SACRAMENTO, CA 95816-8041

PHONE (916) 227-6299

FAX (916) 227-6282

www.dot.ca.gov/hq/esc/oe



Serious drought.  
Help save water!

January 9, 2015

Facsimile: (925) 838-5915

Hal Stober, President  
Gordon N. Ball, Inc.  
333 Camille Avenue  
Alamo, CA 94507

03-4F3404  
03-Pla, Nev-80-69.3/69.8, 0.0/R2.3  
B.O 10/15/2014

Dear Mr. Stober:

The Department of Transportation (Caltrans) received a bid submitted by Gordon N. Ball, Inc. (Gordon Ball) for Contract No. 03-4F3404 on October 15, 2014. By this letter, Caltrans notifies Gordon Ball that its bid is nonresponsive due to an inconsistent Subcontractor's List form and Disadvantaged Business Enterprise (DBE) Commitment form.

The Subcontractor List form identifies KRC Safety as performing Bid Items 2 and 3(partial) (Construction Area Signs and Traffic Control), Camblin as performing 28 partial (Rebar) and Selby's 18 and 19 (Erosion Control) and Austin Enterprises 24 partial (Joint Seal). The DBE Commitment form identifies KRC as performing bid items 2,3,4,5,31,32 (CAS, Traffic Control, Traffic Plastic Drum, Portable CMS, Delineators, Underdrain Markers).

After a review of DBE Commitment form, Caltrans found that item 4, Traffic Plastic Drum was not listed by item number on the Subcontractor List, however it is covered under the description of work to be performed on the Subcontractors List form and does not therefore render the bid nonresponsive. However, Caltrans finds your bid to be nonresponsive on the following grounds:

- (1) Item 31, Delineators was not listed on the Subcontractor List, is not considered traffic control work, and is permanent work, as per KRC's quote installation is included in the costs. Therefore, the addition of this item expands the scope of work to be performed by KRC.
- (2) Item 32, Underdrain Markers was not listed on the Subcontractor List and is not considered traffic control work. Therefore, the addition of this item expands the scope of work to be performed by KRC.
- (3) Item 28, Minor Concrete was listed on the DBE Commitment form as work to be performed by Austin Enterprises, however Item 28 was not listed as being performed by Austin Enterprises on the Subcontractor List.

The DBE Commitment Form specifically states, "IMPORTANT: Identify all DBE firms being claimed for credit, regardless of tier. Names of 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 "Subcontractor List" submitted with your bid. Copies of DBE quotes are required." Therefore, any discrepancy between the items of work listed for the subcontractors on the Subcontractor List and the items of work listed for the same subcontractors on the DBE Commitment form is grounds to find the bid nonresponsive. Since discrepancies exist in the bid submitted by Gordon N. Ball between the DBE Commitment Form and the Subcontractor List, it is within the discretion of Caltrans to find Gordon N. Ball's bid nonresponsive.