

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER

P.O. BOX 168041, MS-43

SACRAMENTO, CA 95816-8041

PHONE (916) 227-6299

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www.dot.ca.gov



*Serious Drought.
Help save water!*

December 11, 2015

Facsimile: (714) 646-3698

Alex Singh, Project Coordinator
Dreambuilder Construction
1324 E. Lawson Lane
Placentia, CA 92870

04-2G4414
04-CC-80, 580-Various
B.O. 10/20/15

Dear Mr. Singh:

The Department of Transportation (Caltrans) received letters dated October 30, 2015 and November 17, 2015, from Dreambuilder Construction (Dreambuilder) protesting the bid submitted by Midstate Barrier, Inc. (Midstate) for Contract 04-2G4414 on October 20, 2015. The protest alleges that Midstate failed to list the subcontractor bid item percentages in accordance with Caltrans bid requirements and listed Quimo Construction (Quimo) to perform 5 percent of bid item 53 with the description of work as mobilization.

Caltrans reviewed the bid documents submitted by Midstate and does not find there to be a material deviation. The percentage listed on the Subcontractor List form is representative of the percentage of work to be performed and not the bid item total. Caltrans does not calculate whether the percentage of work to be performed corresponds with the amount of the bid item total. Midstate is responsible for paying Quimo the amount stated on the DBE Commitment form, regardless of the amount of work performed. Therefore, Midstate has not received an unfair advantage. The error, if one exists, is therefore immaterial and can be waived by Caltrans.

In regards to the description of work for bid item 53, prior to Addenda 2, dated October 14, 2015, mobilization was included as a bid item. Although Midstate incorrectly listed mobilization on the subcontractor list form, Caltrans does not agree that the error provides an unfair advantage to Midstate since the description of work to be performed was provided at the time of bid. As such, Caltrans finds that this was an inadvertent clerical error and immaterial to the bid and therefore, can be waived by Caltrans.

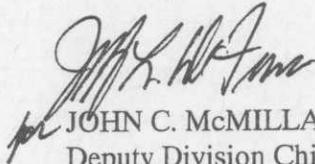
Based on the above, Caltrans will proceed to award the contract to the lowest responsible bidder.

The Resident Engineer will receive a copy of this letter for Contract Administration Compliance.

Mr. A. Singh
December 11, 2015
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If you have any questions, please contact Mulissa Smith, Contract Awards Manager, at
(916) 227-6228.

Sincerely,



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

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

P. 1
CAL/TRANS PLANS COUNTER

Dec 11 2015 11:45am

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STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

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