

**RGW CONSTRUCTION, INC**

November 16, 2015

faxed to: (916)227-6282

Department of Transportation
Division of Engineering Services
Office Engineer, MS-43
1727 30th Street
Sacramento, CA 95816-8041

Attn.: Mr. John C. McMillan, Deputy Division Chief

Re: 04-2G8504; Bid Protest Response

Mr. McMillan,

RGW Construction, Inc. (RGW) respectfully responds to the bid protest submitted by Granite Construction Company (GCC) dated November 10, 2015.

RGW requests that the protest by GCC be denied. The "subletting and Subcontracting Fair Practices Act" requires bidders to list the name, location of place of business, California contractor license number, and DIR number for each subcontractor meeting the minimum criteria. RGW did comply. The purpose of the Subcontractor Listing Law is to prevent bid shopping and bid peddling from occurring after the bids are opened. RGW did comply. The Caltrans subcontractor bid day submittal form adds that the portion (percentage) of each bid item to be performed by the subcontractor be included. RGW did comply. The form also asks that if less than 100% of item will be performed by the subcontractor that a description of the work be listed. RGW inadvertently did not complete this portion of the bid submittal for one subcontractor. RGW intended to use Austin Enterprises (Austin) for the saw-cutting portion of the work in these three items and it is well known that Austin performs saw-cutting and that only saw-cutting would logically be the work to be completed by Austin. As this is Austin's normal scope of work, this is NOT a material defect in RGW's proposal, does NOT provide any advantage to RGW whatsoever, and does not involve bid shopping or bid peddling. RGW complied with CALTRANS Standard Specifications Section 2-1.33C and CALTRANS has the right to waive immaterial informalities.

AN EQUAL OPPORTUNITY EMPLOYER

Contractors License A/B 591940

550 Greenville Road
Livermore, CA 94550-9235

Phone (925) 606-2400
Main FAX (925) 606-2400
Estimating FAX (926) 961-1925



RGW CONSTRUCTION, INC

Thank you for your consideration. RGW was the low, responsive, and responsible bidder and asks that CALTRANS award the project to us.

Sincerely,

RGW Construction, Inc.

A handwritten signature in black ink, appearing to read 'William Stewart', with a long horizontal line extending to the right.

William Stewart
President

attachment

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R G W C O N S T R U C T I O N I N C .

Fax Transmittal

November 16, 2015

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Office Engineer, MS-43

Attn: John C. McMillan

Fax 916-227-6282

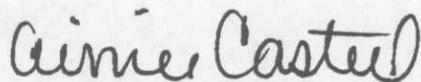
Subject: Caltrans Contract No. 04-2G8504, Bid Protest Response

Total Pages: 5

Please see attached numbers.

If you have trouble receiving all the pages of this fax, please contact our office immediately.

Thank you,



Aimee Casteel
Contract Administrator

RGW CONSTRUCTION INC.
550 GREENVILLE ROAD
LIVERMORE, CA. 94550-9235

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