



Emmett's Excavation, Inc.
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April 3, 2014

John C. McMillan
Deputy Division Chief
Office Engineer
Division of Engineering Services
State of California Department of Transportation (Caltrans)
1727 30th Street, Bidder Exchange, MS 43
Sacramento, CA 95816-8041

Subject: Contract 06-0P1704
Bid Opened: March 26, 2014
Bid Protest of Chester Bross Construction Company

Dear Mr. McMillan,
Emmett's Excavation, Inc., hereby protests the award of the above referenced project to Chester Bross Construction Company ("CBCC") due to an error found in their bid documents.

After review of CBCC's DBE submittal it was found that Dragon Materials Transport, Inc. was listed for services to be subcontracted or materials to be provided.

The DBE commitment form states in part "...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". The Subcontractor List form states in part, "The bidder must identify each subcontractor performing work in an amount in excess of ½ of 1 percent of the total bid or \$10,000, whichever is greater". CBCC failed to list Dragon Materials Transport, Inc. on its Subcontractor List. The omission of Dragon Materials Transport, Inc. is a violation of the subcontractors listing laws as well as the Subcontractor List and DBE form instructions.

Based on the above, Caltrans needs to find CBCC's bid non-responsive and award to the next lowest responsive and responsible bidder.

Thank you.

A handwritten signature in black ink, appearing to read "David Walsh", is written above the printed name.

David Walsh
General Manager