



February 5, 2016

Department of Transportation
Division of Engineering Services
Office Engineer
P.O. Box 168041, MS-43
Sacramento, CA 95816-8041

Re: Contract 06-0T5804
06-Fre, Mad-145-40.2/R41.2, R0.0/2.0, 11.0/13.61477
P.O.B.O. 1/21/2016

Dear Ms. Smith,

In your letter of dated February 3, 2016, you notified us that the bid submitted by Agee Construction Corporation (Agee) for Contract 06-0T5804 on January 21, 2016 is being considered non-responsive. In your letter, you stated the following reasons: 1) Failing to complete the electronic bid book; 2) Not providing the name of the individual signing the bid book; 3) No acknowledgment of the certifications in the bid book; and 4) Failing to provide the Department of Industrial Relations' Public Works Contractors Registration (PWCR) number for Sierra Pacific Materials. We disagree with these assertions and would like to respond to each of these points separately.

1. Failing to submit a complete electronic bid book.

Per the Caltrans Electronic Bidding Guide dated 12/12/2013 page 24 indicates, "If your bid is complete, a message will show that says 'Bid Is Complete'. If your bid is incomplete, a message will show up indicating what needs to be completed". At the time of our bid submission, all of the folders were green, all form fields completed, and BidX indicated that our bid was complete.

2. Not providing the name of the individual signing the electronic bid book.

The name that appears in this area was "Auto-Filled" in the electronic bid and was not deliberately entered incorrectly. This section was populated from the entry made in the Non-Collusion Affidavit on page 17 of the electronic bid proposal. This is where 'Agee Construction Corp.' was inadvertently entered in the "Name" field instead of 'Gayle L. Salvucci'.

Additionally the Bid Express Service Training Manual states on page 2-2 "A digital ID is a signature that is the legal equivalent of a written signature, thus allowing for the digital signing of files" and that "Individual may not share a digital ID; each one identifies a particular person for a particular company"

Therefore, Agee considers this to be a minor irregularity that in no way materially changed our bid, and request that Caltrans do the same.

3. No acknowledgment of the certifications in the bid book.

A Digital ID has been established for each person authorized to submit bids for Agee. The Caltrans Electronic Bidding Guide states on page 19 that "By digitally signing and submitting a bid you are affirming the certifications contained in the bid book". Also in the "How to Complete an Electronic Bid File" by Chris Rice, it states on the "Certifications Folder" page, that "By digitally signing and submitting a bid, bidder attests to the following certifications".

Therefore, as our Digital ID was used to Digitally Sign our bid book, our Certifications were considered "acknowledged" when our electronic bid was submitted to Caltrans, and is contrary to your statement "...nor was there an acknowledgment of the certifications in the bid book."

4. Your letter states that Agee failed to provide the Department of Industrial Relations' Public works Contractors Registration (PWCR) number for Sierra Pacific Materials (SPM) at the Time of the bid. This statement is false. This number was submitted and appears in copy of the bid that you posted in online in the Post Bid Files. Therefore, we must assume that you are making this statement as you were unable to confirm SPM's PWCR number when searching under the name of Sierra Pacific Materials. If you search either the PWCR number or contractor license provided in our bid, your search will indicate that these numbers are associated with Papich Construction Company, Inc. (Papich). Sierra Pacific Materials is a DBA of Papich (see attached letter) and therefore was correctly listed at the time of our bid.

Therefore, we strongly disagree with your assertion that our bid was non-responsive. After review of the above information, we urge you to reconsider your position and award Contract 06-0T5804 to Agee Construction.

If you have any questions, please do not hesitate to contact me at (559) 326-1335.

Sincerely,



Alan Dirlam,
Project Manager, Chief Estimator
Agee Construction Corporation

PAPICH CONSTRUCTION CO., INC.

INFRASTRUCTURE • RENEWABLES • OIL & GAS

February 3, 2016

Agee Construction
1039 Hobiltt Ave.
Clovis CA 93612

Attention: Mr. Alan Dirlam

Re: Caltrans 06-0T5804

Mr. Dirlam,

Thank you for your call today in the matter of Caltrans bid 06-0T5804 dated 1/21/2016. Papich Construction Co., Inc. operates a DBA of Sierra Pacific Materials. Under this DBA we operate our material sales of asphalt, gravel, aggregate base and rip rap material. We also operate our operated rental equipment division under Sierra Pacific Materials.

In reviewing your bid on the Caltrans website you correctly entered the DIR and license number for Papich Construction Co., Inc DBA Sierra Pacific Materials. All payroll performed through our DBA is paid by Papich Construction Co., Inc. and is submitted to DIR under our DIR number (DIR 1000004169).

I hope this letter clarifies any misunderstandings. We look forward to working with you on this project.

Sincerely



David Cruce
VP, Business Development, Estimating and Materials

MAILING ADDRESS:
PO Box 2210
PISMO BEACH, CA 93448

OFFICE: 805-473-3016
ESTIMATOR'S FAX: 805-473-2217
ACCOUNTING FAX: 805-481-5966

Sender: GUEST
TTI: Agee Construction Corp TTI Number: 5592993503

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