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Contract Awards Branch Chief  
DEPARTEMENT OF TRANSPORTATION  
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OFFICE ENGINEER  
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August 29, 2013

RE: 07-3X4104, 07-LA-2-32.5 B.O. 08/1/2013

Dear Mulissa Smith

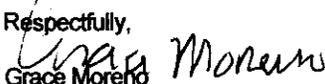
This letter is written in response to the letter of August 28, 2012 informing Baltazar Construction that its bid was nonresponsive because it failed to submit the Subcontractor List. Baltazar objects to the determination that its bid was nonresponsive.

First, Caltrans 2010 Standard Specifications Section 2-1.33C Subcontract List is not clear as to the percentages that are to be listed in column 3. The language of the bid document and the language from the specification simply request a percentage of the subcontracted work which was listed by Baltazar. However, it appears that what was intended by this language was a listing of the percentage of the line item or bid item that the subcontractor will perform rather than a percentage of the total contract that will be performed by the Subcontractor. It was only after consulting with several individuals with substantial construction expertise that we were able to even understand the nature of the information sought by Caltrans.

Second, and critically important to this issue, the information provided with the entire bid package clearly advised Caltrans of the percentage of work to be completed by the Subcontractor. The Subcontractor's bids were included as part of the package and so was the detailed budget for each bid item, from these documents it would be simply a mathematical calculation to determine the percentage of work for the bid item to be completed by each of the subcontractors. The deviation in Baltazar's bid is not substantial, and in fact it is inconsequential as it could not affect the amount of the bid nor provide Baltazar with an unfair bidding advantage. It is obvious that the bidding deviation could not have been a vehicle for favoritism, does not affect the amount of the bid, influence potential bidders to refrain from bidding or affect Caltrans ability to make bid comparisons. It is my understanding that these are the factors that California courts considering when determining if a bid deviation is substantial or inconsequential.

Baltazar hereby requests that Caltrans waive the inconsequential and minor bid error since all of the necessary information was provided with Baltazar's bidding documents as a whole. Thank you for your timely consideration of this objection.

Respectfully,

  
Grace Moreno