

**DEPARTMENT OF TRANSPORTATION**

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER

P.O. BOX 168041, MS-43

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www.dot.ca.gov



*Serious drought.  
Help save water!*

June 29, 2016

Facsimile: (949) 454-1888

Ramak Sepehri, Executive Vice President  
RSB Group, Inc.  
20331 Lake Forest Dr., Suite C13  
Lake Forest, CA 92630

08-0R4404  
08-Sbd-15-R23.0/R36.2  
B.O. 3/15/2016

Dear Mr. Sepehri:

The Department of Transportation (Caltrans) received a letter dated June 2, 2016, from Brian S. Case, of Case, Ibrahim & Clauss, LLP, on behalf of RSB Group, Inc. (RSB), and June 8 and 15, 2016, from RSB Group, Inc., in response to the nonresponsive bid finding on May 31, 2016, for the above referenced contract.

Section 2-1.34 Bidder's Security states;

Submit one of the following forms of bidder's security equal to at least 10 percent of the bid:

1. Cash
2. Cashier's check
3. Certified check
4. Signed bidder's bond by an admitted surety insurer
5. For an electronic bid, electronic bidder's bond by an admitted surety insurer submitted using an electronic registry service approved by the Department.

Submit cash, cashier's check, certified check, or bidder's bond to the Department at the Bidders Exchange before the bid opening time.

Submit electronic bidder's bond with the electronic bid.

***If using a bidder's bond, you may use the form in the Bid book. If you do not use the form in the Bid book, use a form containing the same information.***

Based on the above information, your bid was found nonresponsive. As you pointed out in your correspondence dated June 15, 2016, Caltrans has mistakenly approved the use of the American Institute of Architects, AIA Document A310 Bid Bond (A310) on previous contracts. As such, Caltrans has agreed to accept the bond provided by RSB for this project and rescinds the nonresponsive bid finding on this basis. However, RSB should be aware and as pointed out in the Standard Specifications of the contract, that future bonds must contain the language as provided in the bond contained in the bid book. Future submittals of the like, may jeopardize the award of the contract.

Mr. Ramak Sepehri  
June 29, 2016  
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In addition, Caltrans received a letter dated May 16, 2016 from Highland Construction, Inc. (Highland) protesting the bid submitted by RSB. The protest alleges that RSB listed Gates Enterprises (Gates) on its Subcontractors List form to perform work described as bid item 15, Vegetation Control (Minor Concrete) and provided a description as "grading". In addition, also listed Gates on its Disadvantaged Business Enterprise (DBE) Commitment Form to perform work described as bid item 15, grading and road excavation. However, Gates is certified to perform roadway excavation and is not certified to perform grading. Furthermore there is no roadway excavation on the project.

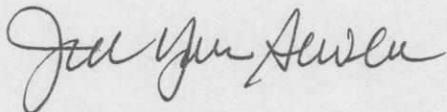
Caltrans conducted a thorough review of the bid documents as well as the protest and response from RSB and does not agree that the project has any grading or roadway excavation or removal or disposal of excavated material. The Special Provisions of the contract, Section 83-1.02B(1)(c)(ii) Earthwork, states in part..."Dispose of surplus excavated material uniformly along the adjacent roadway except as specified in section 14-11".

Therefore, based on the above, RSB has listed a subcontractor for which there is no item of work.

Based on the above, RSB is no longer eligible for award of this contract. Caltrans will proceed to award the contract to the lowest bidder responsive and responsible bidder, provided that all requirements have been met.

If you have any questions, please contact Mulissa Smith, Contract Awards Branch Chief, at (916) 227-6228.

Sincerely,



JILL Y. SEWELL  
Office Chief  
Office Engineer, Construction Contract Awards  
Division of Engineering Services

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

P. 1  
CAL/TRANS PLANS COUNTER

Jun 29 2016 03:02pm

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STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

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