

**DEPARTMENT OF TRANSPORTATION**

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER

P.O. BOX 168041, MS-43

SACRAMENTO, CA 95816-8041

PHONE (916) 227-6299

FAX (916) 227-6282

TTY 711

www.dot.ca.gov

*Serious drought.  
Help save water!*

September 3, 2015

Facsimile :( 714)503-0685

Rabih El-Zein, VP of Operations

USS Cal Builders, Inc.

8051 Main Street

Stanton, CA 90680

08-3555V4

08-SBd-15-42.5/46.0

B.O. 08/27/2015

Dear Mr. El-Zein:

The Department of Transportation (Caltrans) received a bid from USS Cal Builders, Inc. (USS) for Contract 08-3555V4 on August 27, 2015.

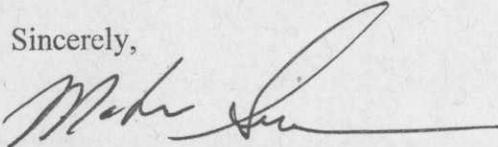
USS claimed a clerical error occurred while preparing the bid documents which resulted in a materially different bid than what was intended. On the Bid Item List, line item number 314 (Mobilization), USS mistakenly inputted an inaccurate amount of \$1,900,000.00, as this item total. The correct amount for the above mentioned bid item is \$6,900,000.00. This error resulted in an understated cost for work in the amount of \$5,000,000.00. The intended bid amount was \$69,774,889.35.

On September 1, 2015, USS requested that its bid be withdrawn from consideration.

In accordance with USS's request, Caltrans finds that USS has met the elements of Public Contract Code Sections 5101 and 5103. Therefore, the bidder is hereby relieved of its bid without forfeiture of its bid bond.

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

Sincerely,

*for*  
  
JOHN C. McMILLAN  
Deputy Division Chief  
Office Engineer  
Division of Engineering Services

Attachment

# Relief of Bid Determination Report

(Ref. Public Contract Code 5100 et Seq.)

Contract No. 08-3555V4

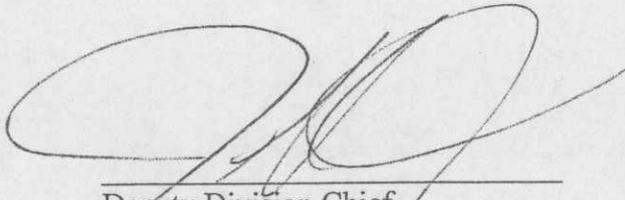
Bidder Name: USS Cal Builders, Inc.

Bid Opening Date: 08/27/2015

License No. 654454

- ✓ I have reviewed the attached relief of bid request and documentation and find that the bidder has met the elements of Public Contract Code Sections 5101 and 5103. The bidder is hereby relieved of their bid without forfeiture of the bid bond.

I have reviewed the attached relief of bid request and documentation and find that the bidder failed to meet the elements of Public Contract Code Sections 5101 and 5103, The request for relief of bid is denied.



Deputy Division Chief  
Office Engineer  
Division of Engineering Services

Date

9-3-2015

Recommended for Approval by: Hossein Ziglari

**RELIEF OF BID REQUEST**

DES-OE-0141 (REV 01/2010)

Contract No. 08-3555V4

Bidder's Name: USS Cal Builders, Inc.

Bid Opening Date: 8/27/2015

License No. 654454

**Requirements:**

To be relieved of your bid you must demonstrate all of the following to the Department. You are not relieved of your bid until notified by the Department in writing.

- A mistake was made in your bid.
- You submitted written notice of the mistake to the Department within 5 business days of bid opening, specifying in detail how the mistake occurred.
- The mistake made the bid materially different than what you intended.
- The mistake was made in filling out the bid and not due to an error in judgement or to carelessness in inspecting the site of work or in reading the plans or specifications.

**Instructions:**

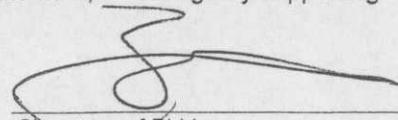
Attach a statement and supporting documentation that describes the following in detail:

1. The mistake in your bid and how it was made.
2. How the mistake made the bid materially different than intended.
3. How the mistake was made in filling out the bid.
4. Sign the certification below.
5. Fax this completed form, the statement and supporting documentation to (916) 227-6282. Attention: Office Engineer.

**Certification:**

By my signature on this form, I certify, under penalty of perjury that the attached statement, including any supporting documents, are true and correct.

Date: 8/31/2015



\_\_\_\_\_  
Signature of Bidder

VP of Operations  
Title



August 31, 2015

SENT VIA Fax No. 916- 227-6282  
AND US CERTIFIED MAIL:  
Mohsen Sultan  
Department of Transportation  
Chief, Office of Contracting Systems  
Office Engineer  
1727 30th Street, MS-43  
Sacramento, CA 92816-8041

RE: Withdrawal of Bid  
Project Title: CONSTRUCTION ON STATE HIGHWAY IN SAN BERNARDINO COUNTY IN  
VICTORVILLE FROM 0.5 MILE NORTH OF MOJAVE DRIVE TO 1.5 MILE  
NORTH OF STODDARD WELLS ROAD OVERCROSSING.  
Contract No.: 08-3555V4  
Project Location: Victorville, CA

To Whom It May Concern:

USS CAL BUILDERS INC. ("USS") submitted a bid in the amount of \$64,774,889.35 for the above referenced project on August 27<sup>th</sup>, 2015 Project No. 08-3555V4 (the "Project"). Please be advised that this written request is being submitted on August 31, 2015 within five (5) working days of the bid opening excluding Saturday and Sunday.

USS is requesting that it be allowed to withdraw its bid due to the fact that a clerical error was made in writing down the correct figure for the line item noted below.

In writing down the total amount of each line item, my assistant mistakenly inputted inaccurate information. Line item number 314 (Mobilization) should be \$6,900,000.00 instead of the \$1,900,000.00 as indicated in the bid submittal. This clerical mistake resulted in the bid being materially different than what it was intended to be.

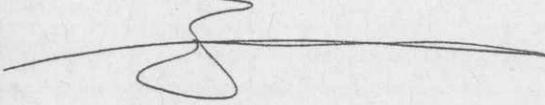
As you can see from the above:

- 1) A mistake was made.
- 2) We gave the public entity written notice within five working days, excluding Saturdays, Sundays, and state holidays, after the opening of the bids of the mistake, specifying in the notice in detail how the mistake occurred.
- 3) The mistake made the bid materially different than it was intended to be.
- 4) The mistake was made in filling out the bid and not due to error in judgment or to carelessness in inspecting the site of the work, or in reading the plans or specifications.

09-01-15A11:01 RCVD

Thank you for your understanding and we look forward to working with you in the future.

Sincerely,

A handwritten signature in black ink, consisting of a long horizontal line that curves upwards and then loops back down to the left, ending in a small flourish.

Rabih El-Zein

VP of Operations  
USS CAL BUILDERS, Inc.

**DEPARTMENT OF TRANSPORTATION**  
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September 3, 2015

Facsimile : (714)503-0685

Rabih El-Zein, VP of Operations  
 USS Cal Builders, Inc.  
 8051 Main Street  
 Stanton, CA 90680

08-3555V4  
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Sincerely,

for JOHN C. McMILLAN  
 Deputy Division Chief  
 Office Engineer  
 Division of Engineering Services

Attachment

*"Provide a safe, sustainable, integrated and efficient transportation system  
 to enhance California's economy and livability"*

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P.1  
 CAL/TRANS PLANS/COUNTER

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