

**DEPARTMENT OF TRANSPORTATION**

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER

1727 30<sup>th</sup> STREET, MS-43

SACRAMENTO, CA 95816-8041

PHONE (916) 227-6299

FAX (916) 227-6282

www.dot.ca.gov/hq/esc/oe



Serious drought.  
Help save water!!

February 18, 2015

Facsimile: (209) 754-3830

Dan Emerson, Vice President  
K. W. Emerson, Inc.  
413 W. Saint Charles St.  
San Andreas, CA 95249

10-1C0304  
10-Tuo-49,108-Var  
B.O. 1/29/2015

Dear Mr. Emerson:

The Department of Transportation (Caltrans) received the attached letter dated February 4, 2015, from K. W. Emerson, Inc. (K. W. Emerson protesting the bid submitted by Central Coast Financial Group Inc. (CCFG). The protest alleges that CCFG does not carry Workers Compensation Insurance and therefore, cannot have any employees. This would require the CCFG to perform the entire contract, less those portions subcontracted and is not reasonable to believe that CCFG can perform the work within the 15 day performance period.

Per the Contract Special Provisions, specifically the Notice to Bidders, states that the prime contractor must hold an active Class A (General Engineering Contractor) or a Combination of 2 or 3 of the following C-12 (Earthwork and Paving), C-13(Fencing) and C-31 (Construction Zone Traffic Control) at time of bid. According to the Contractors State Licensing Board, CCFG holds an active Class A license.

As this protest relates to Workers Compensation Insurance, whether or not the prime contractor has Workers Compensations Insurance, is not a condition of award. Rather, the prime must meet the requirements of insurance approval prior to the execution of the contract.

Based on the above, Caltrans finds K. W. Emerson's protest does not have merit and will proceed to award the contract to the lowest responsible bidder, provided that all requirements are met.

Your attention is directed to Section 3-1.04 of the 2010 Standard Specifications. Caltrans is not obligated to offer an extension of the award period for a nonresponsive bid. Should you wish to extend your bid while resolving a nonresponsive finding, you must send your request to the Office Engineer no later than 4:00 p.m., two business days prior to the expiration of your bid.

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

Sincerely,

A handwritten signature in black ink, appearing to read "John C. McMILLAN", written over a horizontal line.

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

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

P.1  
CALTRANS CONTR AWARDS Fax 916-227-6282

Feb 18 2015 03:39pm

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
912097543830	Normal	18:03:39pm	0'16"	1	# 0 K	

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

**DEPARTMENT OF TRANSPORTATION**  
 DIVISION OF ENGINEERING SERVICES  
 OFFICE ENGINEER  
 1727 30<sup>th</sup> STREET, MS-43  
 SACRAMENTO, CA 95816-8041  
 PHONE (916) 227-6299  
 FAX (916) 227-6282  
 www.dot.ca.gov/hq/esc/oe



*Serious drought.  
Help save water!!*

February 18, 2015

Facsimile: (209) 754-3830

Dan Emerson, Vice President  
 K. W. Emerson, Inc.  
 413 W. Saint Charles St.  
 San Andreas, CA 95249

10-1C0304  
 10-Tuo-49,108-Var  
 B.O. 1/29/2015

Dear Mr. Emerson:

The Department of Transportation (Caltrans) received the attached letter dated February 4, 2015, from K. W. Emerson, Inc. (K. W. Emerson) protesting the bid submitted by Central Coast Financial Group Inc. (CCFG). The protest alleges that CCFG does not carry Workers Compensation Insurance and therefore, cannot have any employees. This would require the CCFG to perform the entire contract, less those portions subcontracted and is not reasonable to believe that CCFG can perform the work within the 15 day performance period.

Per the Contract Special Provisions, specifically the Notice to Bidders, states that the prime contractor must hold an active Class A (General Engineering Contractor) or a Combination of 2 or 3 of the following C-12 (Earthwork and Paving), C-13 (Fencing) and C-31 (Construction Zone Traffic Control) at time of bid. According to the Contractors State Licensing Board, CCFG holds an active Class A license.

As this protest relates to Workers Compensation Insurance, whether or not the prime contractor has Workers Compensations Insurance, is not a condition of award. Rather, the prime must meet the requirements of insurance approval prior to the execution of the contract.

Based on the above, Caltrans finds K. W. Emerson's protest does not have merit and will proceed to award the contract to the lowest responsible bidder, provided that all requirements are met.

Your attention is directed to Section 3-1.04 of the 2010 Standard Specifications. Caltrans is not obligated to offer an extension of the award period for a nonresponsive bid. Should you wish to extend your bid while resolving a nonresponsive finding, you must send your request to the Office Engineer no later than 4:00 p.m., two business days prior to the expiration of your bid.

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

Sincerely,

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