



March 11, 2013

State of California
Department of Transportation
John C. McMillan
1727 30th Street
Sacramento, CA 65816

Re: 02-03E6504, 02-Sha, Sis-5-Var

Dear Mr. McMillan,

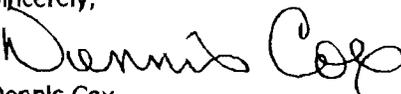
We would like to protest your findings of nonresponsive bidder based on the information attached. Penhall Corp. did comply with the Contract Special Provision Section 2-1-1.12B(2). Penhall Company submitted, in accordance with Section 2-1.12B(2), **at bid opening**, the DBE commitment form DES-OE-0102.10C with the bid book. As specified in this section, if the form is NOT included in the Bid Book, remove the form and send the UDBE commitment within 4 business days. The UDBE commitment form was turned in with the bid proposal.

In addition, submittal of written confirmation is required, (no time sensitive dates are stated for the participation confirmation forms (copy of quote), showing participation of UDBE). For that matter, No specific dates/time are stated for the UDBE confirmation form at all, in this section.

Penhall Company furnished all required documents with the bid proposal, and followed up, sending the participation materials via fax correspondence on March 4, 2013. This information supplied by the quote from S.T Rhoades Construction. Fulfilled the required submittal forms and participation commitments of Section 2-1.12B(2) in its entirety. *(Attached please find the fax confirmation page, form DES-OE-0102.10C of the bid book, and the quote from S.T Rhoades Construction.)*

We feel the department has deviated from the wording in Section 2-1.12B(2). Penhall Company should and requests award of contract 02-03E6504.
Should you have any other questions please feel free to contact me at 714-578-3253.

Sincerely,


Dennis Cox
Vice President