

**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!*

May 13, 2015

Facsimile: (707) 443-0277

Mark Benzinger, Project Manager  
Mercer-Fraser, Company  
P.O. Box 1006  
Eureka, CA 95501

02-4G7304  
02-Sha-VAR-VAR  
B.O. 04/22/2015

Dear Mr. Benzinger:

The Department of Transportation (Caltrans) received a bid from Mercer-Fraser Company. (Mercer-Fraser) for Contract 02-4G7304 on April 22, 2015.

Mercer-Fraser claimed a clerical error occurred while preparing the bid documents which resulted in a materially different bid than what was intended. While entering the bid unit prices into the required fields, a clerical mistake was and the unit price for Bid Item3, Traffic Control System was erroneously entered as \$15,000.00, instead of \$150,000.00. The error resulted in a bid amount of \$1,617,876.00, an underbid of \$135,000.00. The intended bid amount was \$1,752,876.00. On April 24, 2015, Mercer-Fraser requested that its bid be withdrawn from consideration.

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

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".

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. 02-4G7304

Bidder Name: Mark Benzinger, Mercer-Fraser Co.

Bid Opening Date: 4/22/15

License No. 105709

- ✓ 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

5-7-15

Recommended for Approval by: April Perez-Hollins

**MERCER-FRASER COMPANY**  
CONTRACTORS & ENGINEERS  
Since 1870

April 24, 2015

State of California  
Department of Transportation  
1727 31th Street, MS-43  
Sacramento, CA 95816-8041

Attn: Office Engineer

Reference: Contract 02-4G7304 Polyester concrete and hot mix asphalt paving  
Bid date 4/22/15

Mercer-Fraser is requesting relief of bid on Contract 02-4G7304. There was an error made in filling out the bid which resulted in a materially different bid than intended.

*1) A Mistake was made:*

Mercer-Fraser submitted a bid on Wednesday April 22<sup>nd</sup> for the above referenced project. In the process entering the bid unit prices into the required fields, a clerical mistake was made and the unit price on item #3 Traffic control system was erroneously entered as \$15,000.00 instead of \$150,000.00.

*2) How the mistake made the bid materially different than intended:*

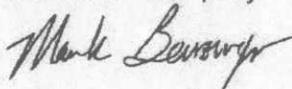
This mistake resulted in a total bid price of \$1,817,876.00 instead of the correct bid total of \$1,752,876.00 which is materially different than what was intended.

*3) How the mistake was made in filling out the bid:*

The mistake was made typing the bid item unit prices into the online bidding system. Unfortunately this was not caught in time to resubmit a corrected bid.

Please let me know if you have any questions.

Sincerely,  
Mercer-Fraser Company



**MERCER-FRASER COMPANY**  
SINCE 1870

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FACSIMILE/MEMORANDUM TRANSMITTAL SHEET

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TO	FROM
Office Engineer	Mark Benzinger
COMPANY	DATE
State of California Dept of Transportation	4/24/2015
FAX NUMBER	TOTAL NO OF PAGES INCLUDING COVER
916-227-6282	3
PHONE NUMBER	SENDER'S REFERENCE NUMBER:
RE	YOUR REFERENCE NUMBER
02-4G7304	

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URGENT    FOR REVIEW    PLEASE COMMENT    PLEASE REPLY    PLEASE RECYCLE

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See attached request for relief for contract 02-4G7304

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P. O. BOX 1006  
EUREKA, CALIFORNIA 95501  
VOICE: 707-443-6371 • FAX: 707-443-0277

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
**RELIEF OF BID REQUEST**  
DES-OE-0141 (REV 01/2010)

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Contract No. 02-4G7304

Bidder's Name Mercer-Fraser Company

Bid Opening Date Apr 22, 2015

License No 105709

**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: Apr 24, 2015

  
Signature of Bidder

Project Manager  
Title