



03-F3404  
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April 27, 2015

**VIA FACSIMILE (916) 227-6282**

John C. McMillan  
Deputy Division Chief  
Department of Transportation  
Division of Engineering Services  
Office Engineer, MS 43  
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Mr. McMillan,

F.D. Thomas, Inc. (F.D. Thomas) has reviewed the letter from Feldman and Associates, Inc., representing Liberty Maintenance, Inc. requesting reconsideration on Caltrans non-responsive bidder determination, dated April 24<sup>th</sup>, 2015. Although it has previously been determined that Liberty's bid was non-responsive, they make two incorrect assertions which are addressed herein.

Gallaway Enterprises provides a professional service, does not hold a contractor's license, and therefore cannot be listed as a subcontractor by F.D. Thomas. Gallaway will be serving as a biologist for Bid Items 18 and 19, Contractor Supplied Biologist and is not performing services defined by the Business and Professions Code for that of a contractor and this item of work is not considered an item of work subject to the Public Contract Code 4100 (eq. seq). Liberty's objection should therefore be dismissed due to lack of merit.

F.D. Thomas will be renting traffic control equipment from S.T. Rhoades, Bid Items 5, 11, and 12, as shown on the DBE Commitment form. S.T. Rhoades will also supply the Traffic Control Plan, Bid Item 5. Outside of this rental as listed on the DBE Commitment form, F.D. Thomas is still able to subcontract to S.T. Rhoades for an amount up to 1/2 of 1 percent of contract value without the requirement to list this subcontractor.

Per the instructions on the DBE Commitment form, F.D. Thomas has listed all DBE firms being claimed for credit, regardless of tier. S.T. Rhoades is shown as a second tier subcontractor providing traffic control for and under the direction of Bentancourt Bros for Bid Item 10 and Peterson Industrial Scaffolding for Bid Item 22, F.D. Thomas' first tier subcontractors.

Respectfully,

Grover Lee  
Vice President/Division Manager  
NACE Certified Coating Inspector Level 3 - No. 26037  
F.D. Thomas, Inc.  
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