



20 Happy Valley Road, Pleasanton, CA 94566

An Equal Opportunity Employer

(925) 461-1500 ♦ FAX (925) 461-0510

April 15, 2013

CEC-CT 03-3M7204-002

California Department of Transportation - Caltrans
MSC 43 – Office Engineer
1727 30th Street
Sacramento, Ca 95816-7005

Attention: Office Engineer
Project: Caltrans Contract 03-3M7204
Reference: Bid Protest of Low Bidder

Dear Sir or Madam:

In response to the letter provided by American Civil Constructors (ACC) dated April 11, 2013, California Engineering Contractors, Inc. (CEC) did provide certification as to our SSPC QP-2 Category "A" status with a direct letter from SSPC. As the certifying agency, their document is unequivocal proof that CEC possessed the required designation at the time of the bid (prior to March 31, 2013). The format of the certification is not specified in the contract documents and a certifying agency's direct correspondence is certainly "proof of certification" by any reasonable reading of plain language. Our documents were provided timely and in accordance with the Caltrans bid requirements.

Note that the response from ACC does not assert that they provided the required Category "A" certification documents (in any format) in a timely manner or in accordance with the clear bid requirements. ACC did not submit required documentation with their bid, or in the time allowed after close of bids.

Caltrans has set a precedence that failure to submit certification in a timely manner as specified in the bid documents is cause for rejection of the bid. CEC's bid on a previous project was rejected due to failure to provide certifications with the bid even though CEC possessed the proper certification on bid date and provided proof after the bid date.

Allowing bidders to provide required bid documentation weeks late clearly undermines the entire Caltrans bid process whenever documents are required with the bid, or in a specific time period after the bid close. Allowing late submission of certification by ACC at this point would set a very dangerous precedence that would be contrary to previous precedence set by Caltrans.

Please contact the undersigned with any questions.

Sincerely,

California Engineering Contractors, Inc.

A handwritten signature in black ink, appearing to read 'Robert Ikenberry', written over a horizontal line.

Robert Ikenberry
Project Manager



Facsimile Cover

Date: 4/15/13	From: Robert Ikenberry
Company: Caltrans	20 Happy Valley Road Pleasanton, CA 94566
Attention: Office Engineer	Tel. No: (925) 461-1500
Fax No: 916-227-6282	Fax No: (925) 461-0510
Tel. No:	No. of pages including cover: 2

Caltrans Contract 03-3M7204
Attached please find our response to the bid protest of the
low bidder ACC.
Thank you,
Robert Ikenberry
Project Manager