



July 9, 2014

VIA FACSIMILE (916) 227-6299 AND OVERNIGHT MAIL

Mr. John McMillan  
Deputy Division Chief  
Division of Engineering Services  
Office Engineer  
1727 30<sup>th</sup> Street MS 43  
Sacramento CA 95816

Re: Contract No. 04-014104 – 04-ALA-5785 Response to Sausal Corporation's June 25, 2014 Bid Protest

Dear Mr. McMillan,

Taber Construction, Inc. is the apparent low bidder for the above referenced contract. This letter responds to the bid protest by Sausal Corporation (second low bidder).

Sausal alleges that Taber's representative at the prebid meeting was not a company officer, a project superintendent, or a project estimator. We respectfully disagree and, as explained below, submit that there is no merit to the protest.

Section 2-1.03 Mandatory Prebid Meeting provision of the Special Provisions includes the following provision:

"The bidder's representative must be a company officer, project superintendent, or project estimator."

Taber's representative, Tyler Competente, attended the prebid meeting as one of the project estimators for the Project.

Mr. Competente's scope of work within Taber Construction includes project estimating as well as project engineering. He actively participated as one of several project estimators on the referenced bid and had sufficient knowledge and training to actively participate in the Mandatory Prebid Meeting. Subsequent to that meeting, Mr. Competente continued his participation with the preparation of the final estimate and bid for this Project using the information obtained at the meeting.



Sausal's assertions regarding Mr. Competente's current tenure at Taber ignores first the facts discussed above and the balance of his construction experience, which includes time with DeSilva Gates as a junior project estimator and his work with us during 2011-12. Finally, the determination of Mr. Competente's skill and knowledge to act as project estimator resides with Taber Construction.

I have attached Mr. Competente's declaration affirming his participation as a project estimator for the above referenced bid.

The bidding documents did not require that a project estimator have a minimum number of years of experience in order to represent a bidder at the Prebid Meeting. It simply required each bidder to send an officer, project manager or project estimator to the prebid meeting. Taber sent one of its project estimators for the Project to that meeting. Accordingly, we ask that you deny Sausal's protest and proceed to award the contract to Taber as the lowest responsible bidder.

Should you have any further questions, please contact the undersigned.

Sincerely

Bret Taber  
Taber Construction Inc.

Attachment:

Declaration of Tyler Competente (1 page)

July 9, 2014

I, Tyler Competente declare the following:

I attended the prebid meeting for Caltrans Contract No. 04-014104 on May 29, 2014 in the capacity of a project estimator for Taber Construction Inc.

I attended the entire prebid meeting during which I discussed the project with potential vendors and I reviewed and considered the brochures provided by vendors at the prebid meeting. I also brought the information back and discussed it with the estimating team.

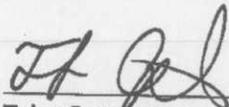
I received and reviewed various subcontractor and supplier proposals prior to and including bid day.

With the information I gathered at the prebid meeting we were able to obtain a DVBE vendor to utilize for the project.

I continued to work as a project estimator on bid day, including but not limited to reviewing subcontractor and supplier proposals, participating in assembling the project estimate, and segregating scopes of work.

In addition estimating I have other duties at Taber Construction, including project and contract administration, document control, and scheduling.

I certify and declare under penalty of perjury that all foregoing information is true and correct.

  
Tyler Competente



P.O. Box 1309  
Martinez CA 94553  
Phone: 925-682-6133  
Fax: 925-682-6122

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**To:** Mr. John McMillan                      **From:** Bret Taber

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**Fax:** 916-227-6282                              **Pages:** 4

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**Phone:**    **Date:** July 9, 2014

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**Re:** 04-014104                                  **CC:**

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Please see attached regarding 04-014104.