March 17, 2015

Mr. Greg Souder, Secretary
O.C. Jones & Sons, Inc.
1520 Fourth Street
Berkeley, CA  94710

Dear Mr. Souder:

The Department of Transportation (Caltrans) received a letter dated March 11, 2015, from
O.C. Jones & Sons, Inc. (O.C. Jones) protesting the bid submitted by Ghilotti Bros., Inc.
(Ghilotti). The protest states that Ghilotti failed to provide the correct DBE commitment
form provided in the Bid Book. O.C. Jones requests that Caltrans find Ghilotti
nonresponsive and award the contract to O.C. Jones.

After a review, Ghilotti did not submit the DBE Commitment form per the instructions in
Addendum 1, dated January 14, 2015. Instead, Ghilotti used a previous version of the form.
Caltrans finds that this is a deviation in the bidding documents however; Caltrans has determined
that it is an immaterial deviation as it does not provide an advantage to the bidder. It is therefore,
within Caltrans' discretion to waive the immaterial deviation.

Caltrans finds that this protest will have no bearing on the award of this contract and will
proceed to award the contract to the lowest responsible bidder.

If you have any questions, please contact Mulissa Smith, Contract Awards Branch Manager,
at (916) 227-6228.

Sincerely,

John C. McMillan
Deputy Division Chief
Office Engineer
Division of Engineering Services
March 17, 2015

Mr. Greg Soudet, Secretary
O.C. Jones & Sons, Inc.
1520 Fourth Street
Berkeley, CA 94710

Facsimile: (510) 526-0990

04-259404
04-Nap-29-25.5/28.4
B.O. 2/18/2015

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If you have any questions, please contact Melissa Smith, Contract Awards Branch Manager, at (916) 227-6228.

Sincerely,

[Signature]

JOHN C. McMillan
Deputy Division Chief
Office Engineer
Division of Engineering Services

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability."