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June 2, 2016

Via Facsimile & U.S. Mail
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Jill Sewell
Office Chief, Office Engineer MS 43, Construction Contract Awards
DEPARTMENT OF TRANSPORTATION
1727 30th Street
Sacramento, CA 95816

Re: 08-OR4404 (08-Sbd-15-R23.0/R36.2) B.O. 3/15/2016

Dear Ms. Sewell:

RSB Group, Inc. ("RSB") is in receipt of your letter dated May 31, 2016. This firm is counsel for RSB in regard to your determination that RSB's bid was non-responsive. RSB's bid on the above referenced project is the lowest responsive bid and RSB objects to any award to any other bidder for the following reasons.

1. The Bid Bond form submitted by RSB is a proper form. The bond form is a regularly recognized form established by the American Institute of Architects ("AIA") and complies with Cal Trans Standard Specification Section 2-1.34. The bond form states the requisite condition that Contractor: "... (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and materials furnished in the prosecution thereof..." The remaining terms do not negate the above conditions and therefore are not disqualifying. Rather as stated in the bond form submitted, the amount of the bond is: "BOND AMOUNT: (10%) Ten percent of the attached bid amount."

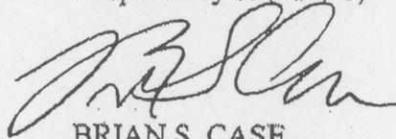
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2. Cal Trans regularly accepts alternate bid bond forms including the AIA form on Projects throughout the State of California. That bid bond form also expressly states that: "When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with the statutory or legal requirement shall be deemed deleted therefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein."
3. Cal Trans Specification 2-1.34 states that a bidder may use either the Cal Trans bid form or another bid form "...containing the same information." As set forth above, RSB's bid included a bid bond form which contained the same information as does the Cal Trans bid form and accordingly is a responsive bid.

Please feel free to contact me with any additional questions you may have and RSB looks forward to an award of the contract in accordance with our bid.

Respectfully submitted,



BRIAN S. CASE,
Attorney for the Firm

BSC:pmc

FAX COVER SHEET

To:

From: "Pammy Cornejo"
<pcornejo@ciclaw.com>

Company:

Date: 06/02/16 03:41:30 PM

Fax Number: 19162276282

Pages (Including cover): 3

Re: RSB Group, Inc.

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