O'Donnell Construction Inc.
559 W. Covina Boulevard
San Dimas, CA. 91773-2911
Phone 909-394-4510 Fax 909-394-4750

General Engineering Contractor License #772905 A

March 12, 2015

Mr. John McMillan
Deputy Division Chief
Office Engineer, MS 43
Division of Engineering Services
Department of Transportation
P.O. Box 168041
Sacramento, CA 95816-8041

Dear Mr. McMillan

RE: Contract No. 08-1C9004
SB 15,60,138, Bid Date 02/24/15

We are in receipt of your "Notice of Award Rescission" for the above noted contract and we hereby protest this Notice. We believe the State was originally correct in awarding O'Donnell Construction this contract and subsequently made an incorrect decision.

The State has noted, "O'Donnell listed Quality Traffic Control (Quality) on its Disadvantaged Business Enterprise (DBE) Commitment form to perform work described as bid item 3 (Traffic Control System) and provided a description of work as Attenuator Vehicle with Driver and claimed DBE participation for this subcontractor in the amount of $18,200.00." The statement is partially correct, in that Quality will be working on the contract, however, not in the capacity of a subcontractor.

O'Donnell did not list Quality on the Subcontractor List because they are not a subcontractor on this contract.

O'Donnell will be self-performing traffic control on this contract. This includes O'Donnell layout and supervision and O'Donnell traffic control trucks, arrow boards, signs, cones, barricades, etc... O'Donnell's DBE form indicated that Quality will supply a TMA truck with a driver to the contract, this is still correct. Quality will not be performing any direction or supervision at all, this driver will be working at the direction of O'Donnell.

We are quite sure that the State will recognize that, listing Quality Traffic Control on our DBE form to supply 1 laborer driving a truck, operated rental equipment, and, to work as directed and supervised by O'Donnell Construction, does not necessitate their listing on the Subcontractor List.

We hereby request the State rescind the Award Rescission.

Please contact me with any comments or questions.

Sincerely,

Neil T. O'Donnell
President