

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER,
1727 30th STREET, MS-43
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6299
FAX (916) 227-6282
www.dot.ca.gov/hq/esc/oe



*Flex your power!
Be energy efficient!*

October 21, 2013

Facsimile: (858) 876-9457

William H. Hearne
Hearne Corporation
11633 Sorrento Valley Road, Suite 400
San Diego, CA 92121

11-287704
11-SD-5506
B.O. 09/26/2013

Dear Mr. Hearne:

The Department of Transportation (Caltrans) received the attached letter dated October 15, 2013, from Hearne Corporation (Hearne), protesting the nonresponsive bid finding on the above contract. Hearne states in part... "that a clerical error on Column 1 of the 24 hour follow-up listing (Subcontractor's Listing Form) should not be used as ground to deem Hearne's bid as nonresponsive".

Caltrans receives many bids in response to its highway construction needs. As you are aware, this is a highly competitive process. All bids are evaluated based on its face. Once a bid is submitted, it cannot be augmented or changed. The assertion that a change should not be used as grounds to deem a bid nonresponsive, after the bid is accepted and if allowed, would circumvent the competitive bidding process and provide a material benefit to Hearne.

Based on the above, Caltrans upholds its original finding that the bid submitted by Hearne is nonresponsive. Caltrans will proceed to award this contract to the lowest responsive and responsible bidder, provided that all requirements have been met.

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

Sincerely,

A handwritten signature in black ink, appearing to read "John C. McMillan".

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

Attachments

HEARNE H CORP
COMPREHENSIVE CONSTRUCTION SERVICES

October 9, 2013

Mulissa Smith
Contract Awards Branch Chief
Department of Transportation
1727 30th Street
Sacramento, CA 95816-7005

RE: **Contract Number 11-287704, 11-SD-5506, Project ID 1100000345**

Dear Mulissa Smith,

Hearne Corporation would like extend our bid on this contract, to resolve the clerical error on the follow-up subcontractor listing referenced by John C. McMillan on October 9, 2013.

Attached please find Hearne Corporation's corrected subcontractor follow-up listing (columns 2 & 3). C&I Roofing was listed on the bid day subcontractor listing and is our intended roofing subcontractor for this project. It was a clerical error on the follow-up listing that we listed Superior Roofing instead of C&I.

Thank you for the opportunity, and we look forward to working with you.

Sincerely,

HEARNE CORPORATION



Kien Bui
Director of Preconstruction



William H. Hearne
President & CEO

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION

SUBCONTRACTOR LIST

DES-OE-0102.2 (REV 3/2011)

Bidder Name: Hearne Corporation

The bidder must identify each subcontractor performing work in an amount in excess of 1/2 of 1 percent of the total bid or \$10,000, whichever is greater (Pub Cont Code § 4100 et seq.). Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916) 227-8282 within 24 hours after the bid opening. Failure to provide complete information in columns 1 through 4 within the time specified will result in a nonresponsive bid.

Column 1: Business Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
1) Fast Demo - Chula Vista	10	6.9%	Selective Demolition
2) CCI - Escondido	10	5.2%	Concrete & Rebar
3) DA Whitacre - El Cajon	10	16.7%	Rough Carpentry
4) SW Millworks - SD	10	2.0%	Casework
5) C&I - Spring Valley	10	14.7%	Roofing
6) TCM - Escondido	10	1.5%	Doors, Frames, & Hardware
7) Tubbs - Escondido	10	1.1%	Drywall & Metal Stud Framing
8) Ceiling City - Escondido	10	2.8%	Acoustical Ceilings
9) US Coatings - SD	10	1.1%	Painting
10) Ahrens - SD	10	5.6%	Plumbing
11) RRL - SD	10	13.8%	HVAC
12) Precision - Lakeside	10	4.4%	Electrical
13) Janus - Vista	10	1.4%	Hazardous Material Abatement

ADA Notice

For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 854-8410 or TDD (916) 854-3880 or write Records and Forms Management, 1120 N. Green, MS-59, Sacramento, CA 95814.

HEARNE H CORP
COMPREHENSIVE CONSTRUCTION SERVICES

October 15, 2013

Mulissa Smith
Contract Awards Branch Chief
Department of Transportation
1727 30th Street
Sacramento, CA 95816-7005

RE: Contract Number 11-287704, 11-SD-5506, Project ID 1100000345

Dear Mulissa Smith,

Hearne Corporation would like to further clarify our position on the status of this bid. Per instructions of page 4 in the Bid Book, titled "Subcontractor List," Columns 1 & 4 are required and were submitted at the time of bid, appropriately completed. Columns 2 & 3 are required within 24 hours, per the Bid Book, and were submitted the following morning via fax.

The combination of these columns were appropriately completed and submitted within the required timeframe. Columns 1 & 4 of the 24-hour follow-up listing are provided for reference only and non-essential. We feel that a clerical error on Column 1 of the 24-hour follow-up listing should not be used as grounds to deem Hearne Corporation's bid as non-responsive.

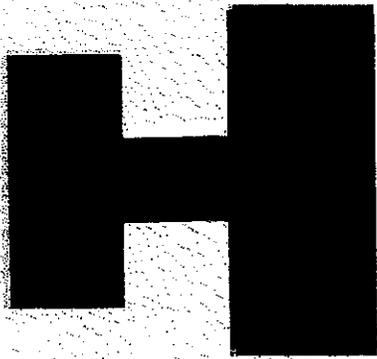
Hearne Corporation remains committed to this process, and look forward to being awarded this project. Should you have any questions or require any additional information, please contact me at my office (858) 926-4087 at any time.

Thank you for your time and consideration,

HEARNE CORPORATION



Kien Bui
Director of Preconstruction



Patrick Granados
Hearne Corporation
Project Coordinator

(858) 926-4087 Work

pgranados@hearnecorp.com

11633 Sorrento Valley Road, ...

<http://www.hearnecorp.com>

FAX COVER SHEET

TO

COMPANY

FAX NUMBER 19162276282

FROM Bill Heame

DATE 2013-10-15 16:06:39 GMT

RE Contract 11-287704

COVER MESSAGE

Total Number of Pages (Including Cover): 2**Attention:**

Melissa Smith
Contract Awards Branch Chief
Department of Transportation
1727 30th Street
Sacramento, CA 95816-7005

CC: John C. McMillan, Deputy Division Chief

Please see attached letter from Heame Corporation.

[cid:image001.jpg@01CEC985.D50D8730]

**** Transmit Conf. Report ****

P. 1

Oct 21 2013 01:58pm

CALTRANS CONTR AWARDS Fax 916-227-6282

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
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STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

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Sincerely,

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

Attachments