

**COFFMAN SPECIALTIES, INC.**
GENERAL AND ENGINEERING CONTRACTORS

June 26, 2015

Sent via facsimile: (916) 227-6282 and
e-mail: John.McMillan@dot.ca.govJohn C. McMillan, Deputy Division Chief
Office Engineer
California Dept. of Transportation
1727 30th Street, MS 43
Sacramento, CA 95816Re: Contract 11-288814; Rte. 11/125/905 Separation

Dear Mr. McMillan:

Coffman Specialties, Inc. ("Coffman") is in receipt of OHL USA, Inc.'s ("OHL") letter dated June 22, 2015 in protest of the bid submitted by Coffman for the above-referenced Contract as being nonresponsive. Coffman submits this letter in response to OHL's incorrect position.

As Coffman detailed in its letter to the Department of Transportation ("Caltrans") dated June 24, 2015, Coffman timely submitted its subcontractors' percentages for the Subcontractor List within 24 hours after bid opening, consistent with Caltrans' bid documents which allow bidders to submit percentages of subcontracted work at any time from bid-opening up to 24 hours thereafter.

The bid documents reference and incorporate Caltrans' Bidders' Exchange website and Electronic Bidding Guide which affirmatively allow for submission of percentages up to 24 hours after bid opening.

The Electronic Bidding Guide called "*How to complete an electronic bid file*" (that is specified in the bid documents and referenced by Caltrans' Office Engineer's manual and website) states in pertinent part:

"Bid item numbers, and percentages may be completed [at bid time] as well. They can also be printed and submitted within 24 hours after bid opening."

The Bidders' Exchange web page also links to the Subcontractor List form which expressly says "The Bidder must submit within 24 hours of the bid opening, the bid item numbers with percentages of the portion of work subcontracted."

As Coffman timely submitted its subcontractors' percentages for the Subcontractor List, Caltrans must consider said percentages as a responsive part of Coffman's bid. Due to the errors and omissions in Flatiron's bid that do not comply with the Public Contract Code or the express contract provisions for this bid, Caltrans should proceed to award the Contract to Coffman as the lowest responsible, responsive bidder.

Truly yours,

David B. Hinton
Associate General Counsel



COFFMAN SPECIALTIES, INC.
GENERAL AND ENGINEERING CONTRACTORS

FAX TRANSMISSION

DATE: June 26, 2015

PROJECT: Contract No. 11-288814; 11/125/905 Separation

SUBJECT: Coffman Letter

TRANSMIT THE FOLLOWING COPIES TO:

NAME: JOHN C. MCMILLAN, Deputy Division Chief

COMPANY: Caltrans Office Engineer

FAX NUMBER: (916) 227-6282

TOTAL NUMBER OF PAGES 2 INCLUDING TRANSMITTAL SHEET.

ORIGINAL TO FOLLOW VIA U.S. MAIL – NO. Sent via e-mail.

MESSAGE OR SPECIAL INSTRUCTIONS:

Please see the attached letter concerning the above-referenced Project.

IF TOTAL NUMBER OF PAGES ARE NOT RECEIVED, PLEASE CALL OUR OFFICE AT (858) 536-3100

SIGNED: David B. Hinton, Esq.

CC: _____

9685 Via Excelencia, Suite 200 San Diego, California 92126 (858) 536-3100 Fax No. (858) 536-3131



W
B
E