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November 4, 2014

Department of Transportation
Division of Engineering Services
Office Engineer, MS 43
1727 30TH Street
Sacramento, CA 95816
Attn: John C. McMillan

Re: Rebuttal to Bid Protest of Apparent Low Bidder
Caltrans Contract 11-406904

Dear Mr. McMillan:

Hazard Construction ("Hazard") has reviewed the Bid Protest Response provided by Nicholas Grant Corp DBA Daley Corporation ("Daley") on October 31, 2014 whereby Daley has admitted to adding scope of work to a subcontractor within 24-hours that was not listed at bid time. This has created a competitive advantage that no other bidder was afforded. If Daley intended to utilize Payco Specialties, Inc. for traffic control, they should have listed that scope of work at bid time, similar to their listing of Statewide Safety & Signs for traffic control. This is a direct violation of the Subletting and Subcontracting Fair Practices Act of the Public Contract Code. Traffic Control and Lead Compliance Plan are not a portion or part of the "striping scope", as Daley has stated, but a completely separate section of the specifications and a completely separate bid item of work.

Daley was afforded a competitive advantage by being able to enlarge the scope of work for the listed subcontractors after the bid. For these reasons stated above, Hazard Construction hereby protests any award to Daley and asks that Daley's bid be deemed as nonresponsive and award the contract to Hazard, the true apparent low bidder, having met all of the requirements of the contract.

Daley's notation that Hazard's bid day listing of subcontractor Traffic Loops Crackfilling is not consistent with its DBE Commitment Form is a clerical error on the DBE Commitment Form and not a violation of the Subletting and Subcontracting Fair Practices Act of the Public Contract Code. At bid time, Hazard submitted our Subcontractor List form, listing Traffic Loops Crackfilling for the Description of Portion of Work to be performed to be "Electrical" and listed Bid Items 61-62 at bid time along with the percentage of bid item subcontracted. The DBE Commitment Form mistakenly listed Roadside Signs for Traffic Loops Crackfilling when the scope of work should have been listed as Electrical to match our bid day listing. The dollar amount and the bid items on Traffic Loops Crackfilling quote (Exhibit 1) match the Bid day listing. The utilization of Traffic Loops Crackfilling was not the deciding factor in meeting or not meeting the DBE goal for this project. For this reason, we believe that Daley's notation lack merit.

If you have any questions regarding any of these matters or need further clarification, please do not hesitate to call me at the main office. Thank you for your attention to this matter.

Sincerely,
HAZARD CONSTRUCTION COMPANY

Jason A. Mordhorst
President

Attachments
cc: Bid File

10/21/2014 (714) 482-8822

Tel: +8684838034@rolux.cc Fax: +18684838034

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Traffic Loops Crackfilling, Inc.

946 S. Emerald Street, Anaheim CA 92804 • Tel: (714) 520 4026 Fax: (714) 520 4027

State License # 632956 • Class C-10 & C-32 • UDBE # 38033

Email: Mailan@tlcinc-ca.com

Quotation

Date: 10/20/2014
Attn: Estimator
Owner: Caltrans
Project: Caltrans No. 11-406904, Route 8 near Alpine
Bid Date: 10/21/2014 @ 2:00 PM

BID ITEM	DESCRIPTION	QTY.	UNIT	UNIT PRICE	ITEM TOTAL
61	Maintaining Existing TMS Elements Durig Construction	1	LS	500.00	500.00
62	Detector Loop (EA)	3	EA	1,500.00	4,500.00

TOTAL BID AMOUNT:	\$ 5,000.00
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- Quote is good for 180 days from the date of this proposal.
- 10 days notice required for scheduling.
- Site must be ready with cat-track or permanent striping prior to loop installation.
- Additional charges may incur for extra move-ons.

Our quote includes:

- 1- Lay out, saw cut, wash, blow, dry, seal, and merge
- 2- Loop saw cut shall be filled with Hot Melt Sealant
- 3- Insurance coverage up to \$1 million, general aggregate up to \$2 million
- 4- One move-on

Our quote excludes:

- 1- Bond fee, permit fee, utilities fee, advance sign posting of any kind, or notifying residents
- 2- Traffic control
- 3- Weekend work

All inclusions and exclusions are to be incorporated into our contract. If either party becomes involved in litigation or arbitration arising out of this contract, the court or arbitration panel shall award attorney's fees and costs to the prevailing party.

Please call if you have any questions or need more information.

Sincerely,

Mal-Lan Nguyen

R.P.A