February 25, 2019

Ronald Criss
Hat Creek Construction & Materials, Inc.
24339 Hwy 89 North
Burney, CA 96013

Dear Mr. Criss:

The Department of Transportation (Caltrans) received a letter dated February 4, 2019, from Hat Creek Construction & Materials, Inc. (Hat Creek), protesting the bid submitted by Eagle Peak Rock & Paving, Inc. (Eagle Peak). The protest alleges that Eagle Peak listed Foothill Engineering (Foothill) to perform work described as “Various” at 75 percent, provide water truck. The term various can easily be construed that Foothill is performing 75 percent of ANY or nearly all bid items. In addition, based on the Disabled Veteran Business Enterprise (DVBE) incentive, Hat Creek should be ranked as the second bidder.

Caltrans has reviewed the protest and finds that while Eagle Peak listed Foothill on the Subcontractors List form, Foothill is providing water truck services and these services are not defined by the Business and Professions Code as subcontracted work. Therefore, Eagle Peak was not required to list Foothill for water truck services.

As this protest relates to the DVBE incentive, since the bid submitted by Eagle Peak is considered responsive, the bid submitted by Hat Creek is over the preference limits compared to the low bidder, Eagle Peak and therefore, is not eligible for the reduction in bid comparison.

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

Sincerely,

JILL Y. SEWELL
Office Chief
Program/Project Management & Office Engineer
Construction Contract Awards
Division of Engineering Services
February 25, 2019

Ronald Criss
Hat Creek Construction & Materials, Inc.
24339 Hwy 89 North
Burney, CA 96013

Facsimile: (530) 335-5510

02-3H1764
02-Mod-2599-Var
B.O. 01/23/2019

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"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and quality of life."