

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES

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www.dot.ca.gov/hq/esc/*Making Conservation
a California Way of Life.*

June 18, 2024

email: mds@mdsengco.com

Michael Stierli, Secretary Treasurer
MDS Engineering & Construction Inc.
14771 Wonderland Blvd.
Redding, CA 96003

02-4J1404
02-Sis-97-21.8
B.O. 5/22/24

Dear Mr. Stierli,

The Department of Transportation (Caltrans) received a letter dated May 24, 2024, from MDS Engineering & Construction Inc. (MDS), protesting the bid submitted by Kevin Mack Construction Inc. (Kevin Mack), for Contract 02-4J1404. The protest alleges that Kevin Mack was not listed as a "planholder," which would prevent Small Business Enterprises (SBE) and Disabled Veteran Business Enterprises (DVBE) from submitting bids to Kevin Mack since it could not download the bid book or other project documents. As a result, MDS claims that Kevin Mack's bid is nonresponsive. Caltrans responds to MDS' protest as follows.

Caltrans reviewed the protest and finds that Kevin Mack submitted a valid bid through BidExpress. Regarding the planholder list, this is simply a tool that can be utilized by a potential bidder to solicit SBEs and DVBEs that opt-in and wish to subcontract or supply material to potential bidders. Caltrans finds no authority that requires bidders to be on the planholder list in order to submit a responsive bid, and further finds that MDS failed to cite to any such authority in its protest. As such, Caltrans finds that MDS' protest has no merit.

Based on the above, Caltrans will proceed to award this contract to the lowest responsive bidder, provided that the bidder has met all the requirements for award of the contract.

Mr. Michael Stierli
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If you have any questions, please contact Juan Loera, Contract Awards
Branch Chief, at (916)-227-5964.

Sincerely,

April Perez-Hollins

April Perez-Hollins
Office Chief
Construction Contract Awards
Program/Project Management & Office Engineer
Division of Engineering Service