

**DEPARTMENT OF TRANSPORTATION**

DIVISION OF ENGINEERING SERVICES

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Making Conservation  
a California Way of Life.

November 22, 2023

Email: mike@powellconstructors.com  
joes@powellconstructors.com

Michael Powell, President  
Powell Constructors, Inc.  
8555 Banana Avenue  
Fontana, CA 89502

07-353904  
07-LA-405-17.6  
B.O. 11/2/2023

Dear Mr. Powell:

The Department of Transportation (Caltrans) received a bid submitted by Powell Constructors, Inc. (Powell), for the above project on November 2, 2023. By this letter, Caltrans notifies Powell that its bid is nonresponsive.

The Notice to Bidders and Special Provisions, as well as the Informational Handout, for the above-referenced contract was modified by Caltrans on September 26, 2023, per Addendum No. 1 (a copy of which can be found at <http://ppmoe.dot.ca.gov/des/oe/weekly-ads/oe-project.php?q=07-353904>). This Addendum included, among other things, a 5 percent Small Business Enterprise (SBE) goal, which required bidders to document their commitment to certified small businesses. This includes the requirements of Section 2-1.18D, "Small Business Enterprise Goal," which states in part:

"Submit the following forms in addition to those required under section 2-1.33B(3):

Form	Submittal deadline
Small Business Enterprises - Commitment	No later than 4 p.m. on the 4th business day after bid
Small Business Enterprise - Confirmation	No later than 4 p.m. on the 4th business day after bid

Submit a copy of the quote from each small business shown on the Small Business Enterprises - Commitment form that describes the type and dollar amount of work shown on the form. Submit a Small Business Enterprise - Confirmation form for each small business shown on the Small Business Enterprises - Commitment form to establish that it will be participating in the Contract for the type and dollar amount of work shown on the form. If a small business is participating as a joint venture partner, submit a copy of the joint venture agreement.

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If forms or supporting documentation are not submitted by the submittal deadline, the bid may be nonresponsive. The Department may contact you and small business enterprises to clarify quotes and commitment documentation.

Caltrans finds that Powell failed to submit both the Small Business Enterprise Commitment and Confirmation forms, both of which are required to be submitted under penalty of perjury, along with the required quotes, by the deadline of 4:00 p.m. on the 4th business day after bid opening, which was November 8, 2023, at 4:00 p.m. As such, its bid is nonresponsive.

Based on the above, Caltrans will proceed to award this contract to the lowest responsive and responsible bidder, provided that all the requirements have been met.

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 Services  
APH:el