

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES

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February 6, 2025

Email: contracts@griffithcompany.net

Lucas Walker, Executive Vice President
Griffith Company
3050 E. Birch St.
Brea, CA 92821

07-370404
07-LA-5-R59.5/R73.7
B.O. 1/7/2025

Dear Mr. Walker:

The Department of Transportation (Caltrans) received a letter dated January 9, 2025, from Griffith Company (Griffith) for the above Federal-aid contract, claiming inadvertent error in the following:

1. Listing the incorrect City of Bakersfield, CA, and incorrect Department of Industrial Relations (DIR) number, 100057841, for Bancroft Construction Services (Bancroft). The correct city is San Diego, CA and the correct DIR number is 1000577841.
2. Inertial Profiling Services, Inc. DBA IPS Grinding and Grooving (IPS) was correctly listed for bid item 32p, "Profile Grinding – Portion", however the business name was incorrectly listed as "Grinding & Grooving DBA IPS Grinding and Grooving."

Caltrans refers Griffith to Public Contract Code (PCC) section 4107.5 which states, in pertinent part:

"The prime contractor as a condition to assert a claim of inadvertent clerical error in the listing of a subcontractor shall within two working days after the time of the prime bid opening by the awarding authority give written notice to the awarding authority..."

Caltrans reviewed Griffith's January 9, 2025, letter and finds that Griffith submitted the letter within two (2) days after bid opening. However, the alleged error Griffith is claiming is not of the nature that a bidder is authorized to "correct" after bid opening pursuant to PCC section 4107.5. As such, Caltrans finds that Griffith may not change its bid after bid opening as requested.

As part of its review process, Caltrans verifies the status of various Department of Industrial (DIR) certifications using the Department of Industrial Relations portal. Caltrans finds that Bancroft's DIR certification number is under 1000577841 and its registration is active through June 30, 2025.

To the extent this alleged "inadvertent error" of its listing the incorrect DIR number and location for Bancroft and incorrectly listing the business name for IPS amounts to a

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deviation from the bidding requirements, Caltrans finds this deviation to be immaterial, as it would not grant Griffith a competitive advantage over other bidders. Given the specific circumstances surrounding Griffith's bid, Caltrans would waive any such immaterial deviation from the bidding requirements. As such, Caltrans finds that this specific "inadvertent error" claimed by Griffith will not impact its bid's responsiveness.

Caltrans will proceed to award the contract to the lowest responsive and responsible bidder, provided that all requirements are met.

The Resident Engineer will receive a copy of this letter for contract administration and compliance.

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