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September 24th, 2024

Caltrans: California Department of Transportation
1727 30th Street, MS-43
Sacramento, California 95816-8041

Attention: Office Engineer

Subject: Response to Notice to Appeal Contract No. 08-1C07U4

I am writing in response to the Notice of Appeal letter dated September 23, 2024, which advocates for the State to award contract 08-1C07U4 to R.J. Noble Co. ("RJNC"), the third lowest bidder. RJNC inaccurately states that Griffith Company is non-responsive due to its failure to meet the DBE participation goal of 22 percent. It should be noted that as per the Local Assistance Procedures Manual, responsiveness is determined by either meeting the contract goal or demonstrating a Good Faith Effort (Section 26.53(a)-(c)), "The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts."

Furthermore, as per Caltrans Standard Specifications 2023 Edition Section 2-1.12B(1) General, bidders are expected to either meet the DBE goal in the Notice to Bidders or demonstrate adequate good faith effort towards reaching the goal.

For Contract 08-1C07U4, Griffith Company has diligently documented its good faith effort as per the contract requirements and successfully achieved an 18.19 percent participation level. These efforts included a significant outreach campaign, including over 245 phone calls, 160 faxes, engagement with Federal, State, and local agencies, advertisement publications, and more than 575 emails sent. This substantial and diversified outreach strategy undertaken by our team highlights our proactive and resolute approach toward meeting the DBE goal for the project.

It should be noted that RJNC's claim regarding Granite, the second lowest bidder, failing to submit the required DBE Submittal is inaccurate. Caltrans received Granite's DBE Submittal documentation on September 13th, 2024.

The Notice of Appeal letter exhibits a lack of acknowledgment towards the documented good-faith efforts of Griffith Company and the timely DBE submittal documentation by Granite. As a result, the aforementioned letter lacks merit. We respectfully request that the State continues to assess Griffith Company's bid as the lowest responsive bidder. Should there be any queries concerning our good faith documentation or the 18.19 percent DBE participation level during the civil rights evaluation process, we are readily available to address them. Our team is committed to ensuring transparency, compliance, and fairness in the assessment of bids for Contract 08-1C07U4.

Ky McLeod
Chief Estimator