

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES

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Making Conservation
a California Way of Life.

December 20, 2024

Email: keith@sscbuild.com

Keith Adamek, President
RAL Investment Corporation dba
Silverstrand Construction
10065 Old Grove Road, Suite 103
San Diego, CA 92131

11-430364
11-SD-79-20.2/53.0
B.O. 12/4/24

A handwritten mark consisting of a large, stylized letter 'r' followed by a horizontal line extending to the right.

Dear Mr. Adamek:

The Department of Transportation (Caltrans) received a letter dated December 5, 2024, from RAL Investment Corporation dba Silverstrand Construction (RAL) claiming an inadvertent error in requesting Non-Small Business Preference (NSBP) instead of California-Company Preference in its bid for the above-referenced contract.

Caltrans refers RAL to Public Contract Code (PCC) section 4107.5 which states:

"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 and copies of that notice to both the subcontractor he or she claims to have listed in error and the intended subcontractor who had bid to the prime contractor prior to bid opening."

Caltrans reviewed RAL's inadvertent error letter and finds that although RAL submitted the letter on December 5, 2024, within the two (2) days after bid opening and attempted to correct its bid claiming an error, the attempted correction would modify the bid after the deadline of the bid opening date, which is not allowed. The requested modifications to withdraw from NSBP is beyond the scope of claiming an inadvertent error.

Specifically, RAL is not attempting to correct the incorrect listing of a subcontractor. It is instead attempting to modify its bid as originally submitted by withdrawing its bid-time commitment to satisfy the requirements for the NSBP. Allowing a bidder to do so would give it a competitive advantage over other bidders, since other bidders are not permitted to withdraw its NSBP commitment after bids are opened. As this is outside the scope of PCC 4107.5, RAL may not make the requested

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change to its bid and will be held to its initial bid submittal.

Caltrans directs RAL to Section 2-1.18C of the 2023 Revised Standard Specifications, which states in part: "Failure to submit a completed Certified Small Business Listing for the Non-Small Business Preference form by 4 p.m. on the 2nd business day after bid opening will result in a nonresponsive bid."

At the time of bid, RAL selected the NSBP which requires a bidder to commit 25 percent of the value of its bid to Certified California Small Businesses. RAL then failed to timely submit the NSBP form reflecting its commitment and selection. As a result, the forms were not submitted in compliance with the requirements.

For the reasons stated above, Caltrans finds that RAL's bid is nonresponsive. Caltrans will proceed to award the contract to the lowest responsive and responsible bidder, provided that all requirements are 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





11-430364 RAL Inadvertent Error Not Acceptable_Legal Edits 12.20.24

Final Audit Report

2024-12-20

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