

**DEPARTMENT OF TRANSPORTATION**

DIVISION OF ENGINEERING SERVICES

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*Making Conservation  
a California Way of Life.*

September 18, 2024

Email: [jmordhorst@hazardconstruction.com](mailto:jmordhorst@hazardconstruction.com)

Jason Mordhorst, President  
Hazard Construction Engr, LLC.  
10529 Vine Street  
Lakeside, CA 92040

11-430384  
11-SD-805-23.7/28.5  
B.O. 9/5/2024

Dear Mr. Mordhorst:

The Department of Transportation (Caltrans) received a letter dated September 6, 2024, from Hazard Construction Engr, LLC. (Hazard) for the above Federal-aid contract, claiming inadvertent error in failing to list a Department of Industrial Relations (DIR) number on its Subcontractor List form at time of bid. Specifically, Hazard alleges that the following error was made concerning its listing of Southwest V-Ditch, Inc. (Southwest):

1. A DIR number for Southwest was mistakenly not listed. The correct DIR number is 1000004410.

Caltrans refers Hazard 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...” (Emphasis added).

Caltrans reviewed Hazard’s September 6, 2024 letter and finds that Hazard submitted the letter within two (2) days after bid opening. However, the alleged error Hazard 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 Hazard may not change its bid after bid opening as requested.

To the extent this alleged “inadvertent error” of not listing a DIR number for Southwest amounts to a deviation from the bidding requirements, Caltrans finds this deviation to be immaterial, as it would not grant Hazard a competitive advantage over other bidders. Given the specific circumstances surrounding Hazard’s bid, Caltrans would waive any such immaterial deviation from the bidding requirements. As such, Caltrans finds that this specific “inadvertent error” claimed by Hazard 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.

Mr. Jason Mordhorst  
September 18, 2024  
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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 Services






# 11-430384 Hazard Construction Inadvertent Error

Final Audit Report

2024-09-18

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