

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES
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February 7, 2025

Email: jacobbreedlove@rjnoblecompany.com

Jacob Breedlove, Secretary
R.J. Noble Company
15505 East Lincoln Ave.
Orange, CA 92856

12-OR32U4
12-Ora-55-0.2/R17.8
B.O. 1/7/2025

A handwritten signature in black ink, appearing to be "d" followed by a checkmark.

Dear Mr. Breedlove:

The Department of Transportation (Caltrans) received a letter dated January 8, 2025, from R.J. Noble Company (RJ Noble) for the above Federal-aid contract, claiming inadvertent error in the following:

1. Inadvertently left out the Department of Industrial Relations (DIR) number (100048191) and California State License Board (CSLB) license number (981885), for DRS Rebar, Inc. (DRS), on subcontractor entry #48.
2. DRS was also inadvertently listed to perform bid item #183 (Portion of Concrete Barrier – Type 60MG) twice at 15 percent for a total of 30 percent. RJ Noble is requesting to remove the duplicate entry.

Caltrans refers RJ Noble 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 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 RJ Noble's January 9, 2025, letter and finds that RJ Noble submitted the letter within two (2) days after bid opening regarding the listing of DRS to perform bid item 183 twice. However, the alleged error RJ Noble is claiming is not of the nature that a bidder is authorized to "correct" after bid opening pursuant to PCC section 4107.5. RJ Noble is instead attempting to add information to its bid documentation and otherwise change the scope of work for one of its listed subcontractors after bid opening. As such, Caltrans finds that RJ Noble may not change its bid after bid opening as requested.

Caltrans reviewed RJ Noble's Subcontractor List form and found for item RJ Noble listed Dees Burke Engineering Constructors for 85 percent, and DRS for 30 percent

(listed DRS twice at 15 percent) for a total of 115 percent. Therefore, Caltrans refers RJ Noble to Public Contract Code Section 4106 which states in part:

"If a prime contractor fails to specify a subcontractor or if a prime contractor specifies more than one subcontractor for the same portion of work to be performed under the contract in excess of one-half of 1 percent of the prime contractor's total bid, the prime contractor agrees that he or she is fully qualified to perform that portion himself or herself, and that the prime contractor shall perform that portion himself or herself."

As such, if awarded contract 12-0R32U4, RJ Noble must perform bid item 183 with its own forces, as it failed to adequately specify a subcontractor for these bid items in its bid.

However, as part of its review process, Caltrans verifies the status of various DIR certifications using the DIR portal. Caltrans finds that DRS's DIR certification number is listed under 100048191 and its registration is active through October 31, 2026, as well as having a current CSLB license 981885. Further, the CSLB and DIR numbers were provided for DRS on subcontractor entry #47.

To the extent this alleged "inadvertent error" of foregoing its listing of the DIR number and CSLB number for DRS amounts to a deviation from the bidding requirements, Caltrans finds this deviation to be immaterial, as it would not grant RJ Noble a competitive advantage over other bidders. Given the specific circumstances surrounding RJ Noble's bid, Caltrans would waive any such immaterial deviation from the bidding requirements. As such, Caltrans finds that this specific "inadvertent error" claimed by RJ Noble will not impact its bid's responsiveness.

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

Based on the above, Caltrans will proceed with award of this contract to lowest responsive and responsible bidder, assuming all other 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