

Dreambuilder

1361 E. Lawson Ln, Placentia, Ca 92870
Ph (714) 646-3697, fax (714) 646-3698

Civil Engineering Construction

Bid Protest Letter

Department of Transportation
Office Engineer MS 43
1727 30th Street, Sacramento, Ca 95816
Ph: 916-227-6280 Fax: 916-227-6282
Attn: Office Engineer

Date: 3/29/2016

Sub: Bid protest for Caltrans Contract # 08-0R4404
Bid open on 3/15/2016 @ 2:00PM

Reference: Caltrans bid proposal for Contract # 08-0R4404

Dear Sir / Madam,

We bid this project and we were 3rd bidder on this project. We are submitting our formal bid protest for this project as follows for 2nd bidder RSB Group Inc.

As per standard specification 2010 states as:

2-1.34

BIDDER'S SECURITY

Submit your bid with one of the following forms of bidder's security equal to at least 10 percent of the bid:

1. Cash or Cashier's check or Certified check
2. Bidder's bond signed by a surety insurer who is licensed in California

If using a bidder's bond, you may use the form in the *Bid* book. If you do not use the form in the *Bid* book, use a form containing the same information.

As 2nd bidder, RSB Group Inc had submitted bid bond security using bid form by AIA, and this bid bond does not contain the same information as project bid bond form's information needed.

According to submitted bid bond as per their note- (2) highlighted - This bond covers & limit pay to the owner maximum difference between next bidder NOT 10% OF BID AMOUNT, Which will be only difference between Dreambuilder's bid amount-\$795,061 - RSB bid amount \$777,350.00 = \$17,711(this is only 2.3% of bid amount submitted by RSB Group, Inc.)

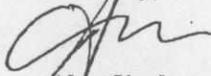
Therefore it is clear that this bid bond limits & provide only 2.3% of bid amount not 10% as required by contract or Caltrans bid bond Form.

Therefore, RSB Group, Inc. bid is non-responsive bid, due to not providing 10% bid bond as required by contract.

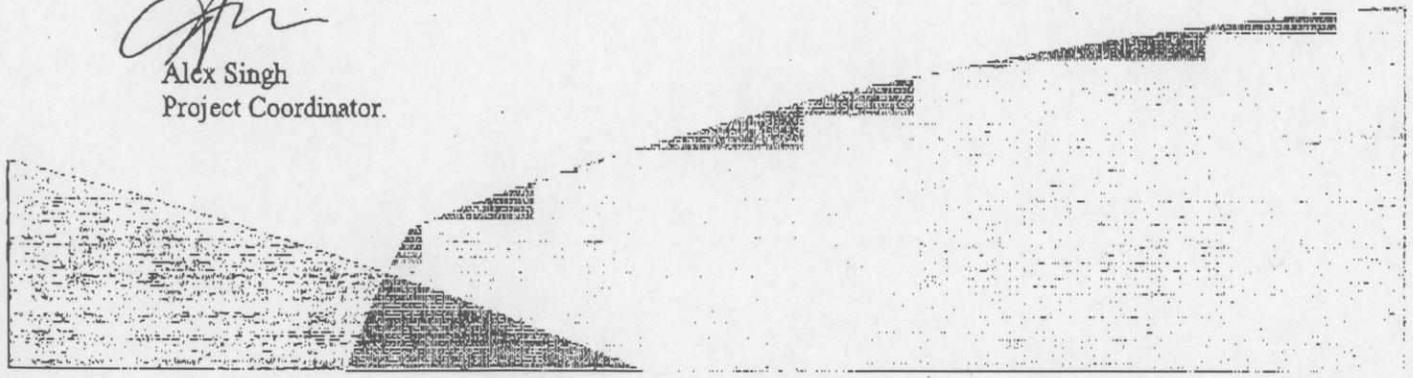
Dreambuilder requests to consider our bid as 2nd lowest bidder on this project

Thank you for your consideration.

Sincerely,



Alex Singh
Project Coordinator.



03-15-16 A11:35 IN

AIA Document A310™ – 2010

Bid Bond

CONTRACTOR:

(Name, legal status and address)

RSB Group, Inc.
20331 Lake Forest Drive, Suite C13
Lake Forest, CA 92630

SURETY:

(Name, legal status and principal place of business)

American Contractors Indemnity Company
601 S. Figueroa St., 16th Floor
Los Angeles, CA 90017

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

OWNER:

(Name, legal status and address)

Caltrans
1727 30th Street,
Sacramento, CA 95716

BOND AMOUNT: (10%) Ten percent of the attached bid amount

PROJECT:

(Name, location or address, and Project number, if any)

Construction on State Highway in San Bernardino County from 0.3 Mile North of North Alray Overhead To 0.5 Mile South of Oak Hill Road

Project Number, if any: 08-0R4404

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof, or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 10th day of March, 2016

Anne Sepelny

(Witness) Anne Sepelny

RSB Group, Inc. *[Signature]*
(Principal) _____ (Seal)

(Title) President

Patrick Rammer

(Witness) Patrick Rammer

American Contractors Indemnity Company
(Surety) *[Signature]* _____ (Seal)
(Title) Stephanie Hoang, Attorney-In-Fact