

Attachment B



SAN LUIS OBISPO COUNTY  
**DEPARTMENT OF PUBLIC WORKS**

Paavo Ogren, Director

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County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252  
Fax (805) 781-1229 email address: [pwd@co.slo.ca.us](mailto:pwd@co.slo.ca.us)

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December 28, 2012

**VIA FAX (805) 461-0053  
AND CERTIFIED MAIL**

Mr. David Raminha  
Raminha Construction, Inc.  
6805 Sycamore Road  
Atascadero, CA 93422

**SUBJECT:** Notice of Finding of Non-Responsiveness of Bid for Widening of Templeton Road from Bluebird Hill Lane to South El Pomar near Templeton, CA, Contract No. 300386, Federal Aid Project No. HRRRL-5949(111)

Dear Mr. Raminha:

As you know, the County opened bids on the above project on December 20, 2012. After carefully evaluating the bid submitted by Raminha Construction, Inc. (RCI), the County's Public Works Department has determined that the bid is non-responsive due to RCI's failure to meet the Disadvantaged Business Enterprises (DBE) requirements set forth in the bidding documents.

As indicated in Section 2-1.04 of the Contract Special Provisions, this project is subject to Title 49 Code of Federal Regulations Part 26 (49 CFR 26), and the Regulations in their entirety are incorporated by reference into the bidding documents. The federal regulations, as administered by Caltrans Local Assistance, include requirements to encourage participation by DBE. As indicated in the Notice to Bidders, the County of San Luis Obispo set the DBE contract goal at 4 percent, and as described in Section 2-1.04 of the Contract Special Provisions, it was the bidder's responsibility to verify that all DBE firms utilized were certified as DBE at the date of bid opening by the California Unified Certification Program (CUCP). In compliance with the federal regulations, and as described in Section 2-1.04 of the Contract Special Provisions, **bidders were required to meet the stipulated DBE contract goal or to demonstrate that, prior to bidding, good faith efforts were made to meet the goal.** Failure to meet the goal or submit adequate evidence of a good faith effort would result in the bid being considered non-responsive.

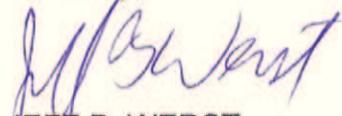
The purpose of this letter is to inform you of the Public Works Department's determination that your bid is non-responsive due to the failure to meet the DBE contract goal of 4 percent or to demonstrate an adequate good faith effort to meet the DBE participation goal for this project. The reasons for this determination are cited in the "Evaluation of Good Faith Effort" memorandum attached to this letter. The County's evaluation of the good faith effort is based on the "Guidance Concerning Good Faith Efforts" contained in 49 CFR Part 26, Appendix A.

The Public Works Department intends to recommend that the County Board of Supervisors find RCI's bid non-responsive for failure to (1) meet the DBE contract goal of 4 percent and (2) demonstrate a good faith effort to meet the DBE participation goal for this project. Our Department will therefore recommend to the Board that RCI's bid be rejected as non-responsive, and that the contract be awarded to the next lowest bidder, Whitaker Construction Group, Inc. The matter will be considered by the Board of Supervisors at their regular public meeting on Tuesday, January 29, 2013. You will have the opportunity to present written argument and other written documentation to the Board if you do not want the Board to adopt our Department's recommendation. You may also appear at that Board meeting.

If you would like our Department to reconsider its determination before it makes a formal recommendation to our Board, you must submit a written request for reconsideration to our Department, and such request must be received by our Department within three (3) business days of your receipt of this letter. Unless your request expressly seeks the opportunity to appear in person, your request for reconsideration will be limited to the documents you provide us in support of your position. After you timely submit a request for reconsideration, you must submit to our Department any written evidence, argument or other documentation you wish to present in support of your reconsideration request within five (5) business days of your receipt of this letter (even if your request also seeks an opportunity to meet in person). Reconsideration requests must be submitted in writing to the Department of Public Works, Room 207, County Government Center, 976 Osos Street, San Luis Obispo, CA 39408; Attention: Design Engineer before 5:00 p.m. of the 3rd business day after the date you received this notice. Requests may also be submitted by facsimile machine to the County's fax number at 805-781-1229. Any reconsideration request and documentation submitted in support thereof must also be concurrently submitted by you to Whitaker Construction Group, Inc. at the following address: Whitaker Construction Group, Inc., 2752 Concrete Ct., Templeton, CA 93446.

This letter constitutes an official notice ("notice") to you of our Department's determination of your failure to achieve the required DBE participation goal or make sufficient good faith efforts to meet the goal, and of your right to administrative reconsideration of our Department's determination. Should you wish administrative reconsideration, you must respond to the undersigned in writing at the address below by the close of business three (3) business days after your receipt of this notice.

Sincerely,



JEFF B. WERST  
Design Engineer  
County Public Works Department  
Room 207  
County Government Center  
San Luis Obispo, CA 93408

c: Patrick Foran, Deputy County Counsel  
Dave Flynn, Deputy Public Works Director  
Paavo Ogren, Public Works Director  
Matthew Bousman, Whitaker Construction Group, Inc.

File: 300386

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