



Juan Loera
Branch Chief, Awards & Protests Unit
Department of Transportation
Program/Project Management & Office Engineer
Construction Contract Awards
1727 30th Street MS 43, Sacramento, CA 95816

RE: Caltrans Contract number 03-0J5604

Subject: Protest of DBE Package Due Date

This letter serves as a formal protest (pursuant to Section 3-1.04 of the Standard Specifications) to the rejection of the DBE confirmation package submitted by McCuen Construction for Project 03-0J5604.

Per Section 2-1.33B(2)(b)(ii) of the Standard Provisions, the DBE confirmation documentation was due within 5 calendar days after bid opening. The provision specifies that if the deadline falls on a holiday, it is extended to the next business day; however, it does not address holidays occurring within the 5-day period.

During this time frame, significant holidays (Good Friday and Easter Sunday) occurred, resulting in staffing shortages among our DBE subcontractors and suppliers. These staffing impacts delayed the return of critical signed documents despite our extensive coordination efforts. Our team worked diligently and in good faith to secure the planned DBE commitments post-bid, balancing the goal of maximizing participation while maintaining cost efficiency for the State.

It is important to note that in the public works construction industry, it is a well-established and common practice for subcontractor and supplier quotations to be received at the last minute, just prior to bid submission. This practice often compresses the available time for coordination and document execution immediately after bid opening. Despite our best efforts to expedite this process, the staffing shortages during the holiday period prevented us from completing the confirmation within the required timeframe.

Additionally, we respectfully note that for DVBE commitments on non-federal aid projects, Caltrans allows 4 business days for submittal, whereas for DBE commitments on federally funded projects, only 5 calendar days are provided. This discrepancy results in less flexibility for DBE firms and primes working to meet participation goals.

Given these circumstances, (Good Friday and Easter Sunday Holidays) we respectfully request reconsideration of the rejection of our DBE confirmation package and acceptance of the commitment documentation submitted.

Sincerely,

Will Broad

William Broad, V.P. Operations



April 25, 2025

McCuen Construction, Inc.
3269 Swetzer Rd
Loomis, CA 95650

Attention: William Broad

Ref: Contract No. 03-0J5604, Project ID 0319000297

Subject: DBE Form Submittal Timeline Impact

Mr. Broad,

I am writing to provide context regarding the delayed return of the DBE Commitment and DBE Confirmation forms for Caltrans project 03-0J5604. The delay was due to staffing shortages experienced over the Good Friday holiday weekend.

As Good Friday is observed by many organizations and individuals, a significant portion of the teams of our suppliers were out of the office on Friday. As a result, several key personnel who are responsible for reviewing, signing, and returning required documentation were unavailable.

This led to the DBE Commitment and Confirmation forms not being finalized and returned for submittal until Wednesday morning, once staff had resumed normal operations. The impact that the Good Friday holiday and the resulting staffing shortages had on the submittal timeline was unforeseen to us and likely others.

We ask that you consider informing Caltrans of this unavoidable situation and request relief due to the circumstances beyond our control.

Respectfully,

Jacob Studebaker
Estimator
Cell: 530-401-1352
jacobs@studebakerelectric.net



140 Inventors Place

Sparks, NV

Phone - (916) 851-0965

April 25, 2025

McCuen Construction
3269 Swetzer Road
Loomis, CA 95650

Re: Cal-Trans 03-0J5604

Subject: DBE Form Submittal Timeline Impact

Dear William Broad,

Due to the Good Friday Holiday and the day after Easter, staff was limited, and response time was slow.

We ask that you would consider asking Caltrans to accept your bid due to these unforeseen circumstances.

If you have any questions or comments, please do not hesitate to contact me.

Tracy Loveland
tracy@kkconstructionsupply.com
President
916-804-4631 Cell
916-851-0965 Office