

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES

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*Making Conservation
a California Way of Life.*

April 29, 2024

email: tbrown@mccueninc.com

Trenton B. McCuen, President
McCuen Construction, Inc.
3269 Swetzer Road
Loomis, CA 95650

11-2N1684
11-SD-5-R53.9/R63.7
B.O. 4/17/2025

A handwritten signature in blue ink, appearing to be "T. Brown", with a horizontal line extending to the right.

Dear Mr. McCuen:

The Department of Transportation (Caltrans) received a bid submitted by McCuen Construction, Inc. (McCuen), for the above non-federal aid contract on April 17, 2024. Caltrans reviewed McCuen's Subcontractor List form and found that McCuen listed RV Concrete, Inc. (RV) to perform 12.1 percent of bid item 54 with a bid item description of "Mobilization for scope". Caltrans finds that contract 11-2N1684 does not have a bid item 54, as there are only 47 bid items in total.

McCuen's attention is directed to the 2024 Standard Specifications Section 2-1.10, Subcontractor List which states in part: "On the Subcontractor List form, list each subcontractor that will perform work in an amount in excess of 1/2 of 1 percent of the total bid or \$10,000, whichever is greater (Pub Cont Code § 4100 et seq.). For each subcontractor listed, the Subcontractor List form must show:

4. Portion of work it will perform. Show the portion of the work by:
 - 4.1. Bid item numbers for the subcontracted work** (emphasis added)
 - 4.2. Percentage of the subcontracted work for each bid item listed
 - 4.3. Description of the subcontracted work if the percentage of the bid item listed is less than 100 percent"

Additionally, Public Contract Code 4106 states:

"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."

Mr. Trenton B. McCuen
April 29, 2025
Page 2

By listing RV to perform a bid item that does not exist on this contract, Caltrans finds that McCuen failed to adequately specify a subcontractor for the claimed "Mobilization for scope work." As such, if awarded contract 11-2N1684, McCuen must perform the work listed for RV with its own forces.

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

Based on the above, Caltrans will proceed to award the contract to the lowest responsive and responsible bidder, provided that all requirements are met. If you have any questions, please contact Juan Loera, Contract Awards Branch Chief at (916) 227-5964.

Sincerely,

Rudy C. Lopez

Rudy C. Lopez
Office Chief
Construction Contract Awards
Program/Project Management & Office Engineer
Division of Engineering Services

11-2N1684 McCuen Construction Self-Perform

Final Audit Report

2025-04-29

Created:	2025-04-29
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