



COMMUNITY DEVELOPMENT SERVICES

DEPARTMENT OF TRANSPORTATION

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2850 Fairlane Court, Placerville, CA 95667
(530) 621-5900 / (530) 626-0387 Fax

MAINTENANCE:
2441 Headington Road, Placerville, CA 95667
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924 B Emerald Bay Road, South Lake Tahoe, CA 96150
(530) 573-7900 / (530) 541-7049 Fax

MAINTENANCE:
1121 Shakori Drive, South Lake Tahoe, CA 96150
(530) 573-3180 / (530) 577-8402 Fax

Via Certified Mail, E-mail, Fax
(willisrebar@gmail.com)
(Fax (707) 759-3483)

November 27, 2019

Willis Rebar
Attn: Raymond Willis III
2333 Courage Drive, Suite H, Room #9
Fairfield, California 94533

**Subject: Bassi Road at Granite Creek Bridge Replacement Project
CIP No. 77128, Contract No. 2777
DBE Subcontractor Substitution**

This letter serves as notice to the DBE Subcontractor for the above referenced Project, Willis Rebar (Willis), that the Prime Contractor, Steelhead Constructors, Inc. (Steelhead) has requested a subcontractor substitution. Steelhead stated the reason for the substitution request is that Willis Rebar cannot meet the required Contract time schedule for the Project.

In accordance with Public Contract Code §4107(7), "...delaying or disrupting the progress of the work." is a code compliant reason for substitution. This letter, sent via certified mail, is a requirement per Public Contract Code §4107(9) to authorize the substitution. In accordance with this Section, the subcontractor has five (5) working days to respond in writing with any objections to the substitution. The five (5) working day time limit expires at 5:00 p.m. on Friday, December 6, 2019. If Willis Rebar does not have any exceptions to this substitution, please respond via mail or email at your earliest convenience to Brian Franklin, Department of Transportation at the above listed Placerville Main Office address or to brian.franklin@edcgov.us.

Thank you in advance for your attention to this matter. A copy of Public Contract Code §4107 is attached for your information. Call me regarding any questions or clarifications needed.

Sincerely,

Brian Franklin
Sr. Civil Engineer (OE)
(530) 621-5311

Attachment

C: Matt Smeltzer, Deputy Director Engineering, Fairlane Engineering Unit
Michael Fromm, R.E., Fairlane Engineering Unit
Troy Kockrow, PM, Steelhead Construction, Inc.


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PUBLIC CONTRACT CODE - PCC

DIVISION 2. GENERAL PROVISIONS [1100 - 22355] (*Division 2 enacted by Stats. 1981, Ch. 306.*)PART 1. ADMINISTRATIVE PROVISIONS [1100 - 9203] (*Heading of Part 1 added by Stats. 1982, Ch. 1120, Sec. 2.*)CHAPTER 4. Subletting and Subcontracting [4100 - 4114] (*Chapter 4 added by Stats. 1986, Ch. 195, Sec. 42.1.*)**4107.** A prime contractor whose bid is accepted may not:

(a) Substitute a person as subcontractor in place of the subcontractor listed in the original bid, except that the awarding authority, or its duly authorized officer, may, except as otherwise provided in Section 4107.5, consent to the substitution of another person as a subcontractor in any of the following situations:

- (1) When the subcontractor listed in the bid, after having had a reasonable opportunity to do so, fails or refuses to execute a written contract for the scope of work specified in the subcontractor's bid and at the price specified in the subcontractor's bid, when that written contract, based upon the general terms, conditions, plans, and specifications for the project involved or the terms of that subcontractor's written bid, is presented to the subcontractor by the prime contractor.
- (2) When the listed subcontractor becomes insolvent or the subject of an order for relief in bankruptcy.
- (3) When the listed subcontractor fails or refuses to perform his or her subcontract.
- (4) When the listed subcontractor fails or refuses to meet the bond requirements of the prime contractor as set forth in Section 4108.
- (5) When the prime contractor demonstrates to the awarding authority, or its duly authorized officer, subject to the further provisions set forth in Section 4107.5, that the name of the subcontractor was listed as the result of an inadvertent clerical error.
- (6) When the listed subcontractor is not licensed pursuant to the Contractors License Law.
- (7) When the awarding authority, or its duly authorized officer, determines that the work performed by the listed subcontractor is substantially unsatisfactory and not in substantial accordance with the plans and specifications, or that the subcontractor is substantially delaying or disrupting the progress of the work.
- (8) When the listed subcontractor is ineligible to work on a public works project pursuant to Section 1777.1 or 1777.7 of the Labor Code.
- (9) When the awarding authority determines that a listed subcontractor is not a responsible contractor.

Prior to approval of the prime contractor's request for the substitution, the awarding authority, or its duly authorized officer, shall give notice in writing to the listed subcontractor of the prime contractor's request to substitute and of the reasons for the request. The notice shall be served by certified or registered mail to the last known address of the subcontractor. The listed subcontractor who has been so notified has five working days within which to submit written objections to the substitution to the awarding authority. Failure to file these written objections constitutes the listed subcontractor's consent to the substitution.

If written objections are filed, the awarding authority shall give notice in writing of at least five working days to the listed subcontractor of a hearing by the awarding authority on the prime contractor's request for substitution.

(b) Permit a subcontract to be voluntarily assigned or transferred or allow it to be performed by anyone other than the original subcontractor listed in the original bid, without the consent of the awarding authority, or its duly authorized officer.

(c) Other than in the performance of "change orders" causing changes or deviations from the original contract, sublet or subcontract any portion of the work in excess of one-half of 1 percent of the prime contractor's total bid as to which his or her original bid did not designate a subcontractor.

(Amended by Stats. 2009, Ch. 500, Sec. 58. (AB 1059) Effective January 1, 2010.)



Brian Franklin <brian.franklin@edcgov.us>

Subcontractor Substitution on Bassi Bridge Project CIP No. 77128 / Contract No. 2777

4 messages

Brian Franklin <brian.franklin@edcgov.us>

Wed, Nov 27, 2019 at 2:24 PM

To: willisrebar@gmail.com

Cc: Troy Kockrow <Troy@steelheadconstructors.com>, Michael Fromm <michael.fromm@edcgov.us>, Matthew Smeltzer <matt.smeltzer@edcgov.us>, Jennifer Rimoldi <jennifer.rimoldi@edcgov.us>

Good afternoon Raymond Willis III,

This email and attachment is notice that Steelhead Constructors, Inc. has requested substitution of Willis Rebar on the above referenced Project. In accordance with Public Contract Code 4107, the original of the attached substitution letter was mailed via certified mail today.

If you agree to this substitution, please respond via mail or email at your earliest convenience. Per Public Contract Code 4107(9), you have five (5) working days to respond in writing with any objections to the substitution.

Contact me regarding questions or clarifications needed.

Sincerely,

Brian Franklin
Sr. Civil Engineer (OE)**County of El Dorado**
Community Development Services
Department of Transportation
2850 Fairlane Court
Placerville, CA 95667
(530) 621-5311

 2777 - Subcontractor Substitution to Willis.pdf
980K

Willis Rebar <willisrebar@gmail.com>

Fri, Dec 6, 2019 at 2:43 PM

To: Brian Franklin <brian.franklin@edcgov.us>

Cc: Troy Kockrow <Troy@steelheadconstructors.com>, Michael Fromm <michael.fromm@edcgov.us>, Matthew Smeltzer <matt.smeltzer@edcgov.us>, Jennifer Rimoldi <jennifer.rimoldi@edcgov.us>

Brian,
Please see attached.Raymond Willis III
President
Willis Rebar Inc.Tel 707-419-5949
Fax 707-759-3483

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 (530) 573-3180 / (530) 577-8402 Fax

Willis Rebar
 Attn.: Raymond Willis III
 2333 Courage Drive, Ste. H, Rm.#9
 Fairfield, CA 94533


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 Brian Franklin
 Sr. Civil Engineer (OE)
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C: Matt Smeltzer, Deputy Director Engineering, Fairlane Engineering Unit
 Michael Fromm, R.E., Fairlane Engineering Unit
 Troy Kockrow, PM, Steelhead Construction, Inc.




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