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January 23, 2024

Michael McBride, Project Manager
Rotschy, Inc.
7408 NE 113th Circle
Vancouver, WA 98662

RE: STPUL-7031(004) NW 38th Ave Phase 3

Dear Mr. McBride,

This decision is in response to the Reconsideration Hearing that was held on Tuesday, January 16, 2024; regarding the above-named project. Present at that hearing was:

Michael McBride, Rotschy, Inc.
Daniel Massie, Rotschy, Inc.
Darin Kysar, Rotschy, Inc.
Mark Erickson, Rotschy, Inc.
Allen Westersun, City of Camas
James, Carothers, City of Camas
Jim Hodges, City of Camas
Albert Wang, AG

Robert Klug, WSDOT
Michelle Britton, WSDOT
Jackie Bayne, WSDOT
Jo Uglick, WSDOT
Nina Jones, WSDOT
Earl Key, WSDOT

Original Finding

Mobilization was in excess of 10% allowed for their subcontractor Subsurface Construction, LLC's bid with no justification provided.

Bid Items 64 and 84 proposed for DBE Bella Terra exceeded Rotschy's bid amount to WSDOT by \$5,276.51 for bid item 64 and \$312.66 for bid item 84. For these reasons Rotschy's bid was found non-responsive.

The Rule

WSDOT's DBE Participation Plan Section 26.53 (a): Selection of Successful Bidder located on page 53 bullet 2. reads: Bidder will receive credit up to the dollar amount entered and submitted as part of the proposal form for each bid item. DBE COA

Commitment amounts that exceed the amount entered on the bidder's proposal form for each item, will not be credited towards the DBE COA goal.

Analysis

With regard to mobilization: explanation was provided regarding Subsurface Construction that the large heavy equipment and materials required for this project is why extra mobilization was needed. WSDOT has agreed that this is justified and approves the additional \$23,400.00 requested for mobilization.

With regard to the bid items: All sub-recipients who receive federal financial assistance through WSDOT must adopt and comply with WSDOT's DBE Program Participation Plan, as approved by FHWA. Per the DBE Participation Plan as cited above, we are not able to count the DBE COA bid amounts in excess of Rotschy's proposed amounts. The required amount needed for the condition of award is \$970,808.01. Rotschy's original DBE participation bid was for \$971,001.61. Deducting the excess of \$5,589.17, as required by the DBE Participation Plan, means there is an adjusted DBE participation of \$965,412.44. This amount is below the condition of award amount needed and with no good faith efforts box checked or submitted within the time allotted at bid time, the original finding of Rotschy to be non-responsive stands.

Sincerely,

A handwritten signature in cursive script, appearing to read "Earl Key".

Earl Key Esq. LL.M, M.S. CCEP, CFE
Senior Director of Transportation Equity
Office of Equity and Civil Rights
Washington State Department of Transportation