



**Engineering Contracts**

4201 East Arkansas Avenue  
Denver, Colorado 80222  
(303) 757-9592  
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NHPP 0502-072  
US 50 Widening  
Project Code 19495

September 13, 2016

**VIA EMAIL [REDACTED]**  
**AND REGULAR MAIL**

[REDACTED]

Dear Mr. [REDACTED] and Ms. [REDACTED]:

In the bid letting of March 10, 2016, [REDACTED] was found to be low apparent bidder on project NHPP 0502-072 (19495). The Department subsequently received a protest alleging that [REDACTED] and [REDACTED] are affiliated companies due to common ownership.

Section 2.01.2 of *The Rules Governing Construction Bidding for CDOT Public Projects*, 2 CCR 601-10 ("the Rules") prohibits affiliated companies from bidding on the same public project. The Rules define affiliates in Section 1.02 as persons that directly or indirectly control or have the power to control the other, or a third party controls or has the power to control both and interlocking ownership is an indication of control. Finally, Section 1.36 of the Rules define persons as legal entities.

Based on the 2014 Annual Report for [REDACTED], the Department finds that [REDACTED] and [REDACTED] are affiliates. Therefore, the bids submitted by your companies on NHPP 0502-072 are found to be non-responsive. Accordingly, SEMA Construction, Inc. is the low responsive bidder on the project.

Sincerely yours,

Marci Gray  
Award Officer

cc: Raelene Shelley, R-3  
David Eller, R-3  
Avbenake, Engineering Contracts  
S. Yu, EEMA  
J. Laipply, Chief  
K. Williams, Civil Rts.

Duran, Printing Center.  
Galvez, Public Rel.  
Yehdego/Tram Ngo, Accounting  
Sankar, AASHTOWare  
Central Files