



NOTICE OF NON-RESPONSIVE BID

THIS IS NOT AN ORDER

DATE ISSUED: January 5, 2026

RFP NUMBER: AIDEA26-035

RFP SUBJECT: Ambler Access Project (AAP) Winter Field Work

PROPOSAL(s): Cruz Construction Inc. – received on 12/18/2025

CHIEF PROCUREMENT OFFICER

SIGNATURE:

DocuSigned by:

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12/22/2025 | 11:40:31 AM AKST

This is a notice of the Authority's rejection of the proposal(s) issued towards the solicitation identified above. A bidder or offeror who wishes to protest this rejection must file the protest within ten calendar days following the date this notice is issued. If the tenth day falls on a weekend or holiday, the last day of the protest period is the first working day following the tenth day.

EXPLANATION

This notice documents the Authority's determination that the proposal submitted by Cruz Construction, Inc. in response to RFP AIDEA26-035 is non-responsive and therefore ineligible for further evaluation.

Under 3 AAC 100.380(1), an individual proposal is fit for rejection when "the proposal is nonresponsive to the minimum requirements identified in the solicitation." The RFP establishes responsiveness as a pass/fail threshold requirement. Proposals that fail to meet mandatory requirements may not be evaluated or scored further, including under the cost evaluation criteria set out in Section 3.07 and Section 4 of the RFP.

Following review, Cruz Construction's proposal was determined non-responsive for two independent and material reasons.

First, the proposal does not comply with the mandatory subcontracting requirements of the RFP. Cruz Construction identified Brice Inc. as a subcontractor responsible for a majority portion of the project work and further indicated that Brice Inc. would subcontract the majority of its assigned scope to additional subcontractors. Section 2.08 of the RFP expressly states: "A Proposer who lists as a subcontractor another contractor who, in turn, sublets the majority of the work required under the Contract, violates this subsection." In addition, Brice Inc. was assigned responsibility for a majority of the road corridor scope, further reinforcing the violation. This subcontracting structure directly conflicts with

a mandatory solicitation requirement and cannot be corrected without materially altering the proposal. This deficiency was documented as a failure under the responsiveness checklist.

Second, the cost proposal submitted by Cruz Construction does not comply with the mandatory requirements of Attachment #1 – Cost Proposal Form. The form requires that proposed hourly rates include all direct and indirect costs associated with performance of the contract. Separately there is the need that proposed rates be firm and usable for evaluation under the established criteria. The Cost Proposal Form states: “The hourly rate proposed by the successful Proposer must include all direct and indirect costs associated with the performance of the contract... whatever rates are proposed must be used consistently throughout the Contract.” Cruz Construction’s cost proposal explicitly excludes indirect costs and states that the amounts provided are not actual amounts and are subject to change at future dates or upon negotiation. As submitted, the cost proposal does not meet the required form and does not provide sufficient information to allow evaluation or scoring under Section 3.07 of the RFP. This renders the proposal materially incomplete and non-responsive.

Each of the deficiencies described above constitutes a failure to meet mandatory solicitation requirements. Under 3 AAC 100.380(1), these deficiencies require rejection of the proposal as non-responsive and do not permit waiver, clarification or correction.

Accordingly, the proposal submitted by Cruz Construction, Inc. is determined to be non-responsive and is removed from further consideration under RFP AIDEA26-035.