

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER

P.O. BOX 168041, MS-43

SACRAMENTO, CA 95816-8041

PHONE (916) 227-6299

FAX (916) 227-6282

TTY 711

www.dot.ca.gov

*Serious drought.
Help save water!*

May 15, 2014

Facsimile: (707) 585-0129

Thomas Smith, Estimating Manager
Ghilotti Construction, Inc.
246 Ghilotti Ave.
Santa Rosa, CA 95407

01-0C8304
01-Lak-29-R48.4/52.4
B.O. 03/26/14

Dear Mr. Smith:

The Department of Transportation (Caltrans) received letter dated April 10, 2014, from Ghilotti Construction Company (Ghilotti) protesting the bids submitted by Granite Construction (Granite) and Knife River Construction (Knife River) on March 26, 2014, for the above Contract 01-0C8304.

The protest alleges that Granite and Knife River failed to properly submit the Subcontractor List form, and in addition, Knife River overstated its Disabled Veteran Business Enterprise (DVBE) participation.

Caltrans conducted a review of the bid documents submitted by Granite and determined that the Subcontractor List form was submitted at time of bid and there was no subsequent 24 hour list submitted. As such, there were no changes made to the submission and an absence of the work description on the Subcontractor List is immaterial, as the bid item number was identified and is a normal progression of the work to be performed.

Furthermore, as the protest relates to Knife River's DVBE Summary, Caltrans did not conduct a review of the Knife River's post bid submittals since, the low bidder was found responsive and met the DVBE goal for this contract.

Based on the above, Caltrans finds that the protest submitted by Ghilotti does not have merit and will proceed to award the contract to the lowest responsible bidder, provided that all requirements have been met.

If you have any questions, please contact Mulissa Smith, Contract Awards Branch Chief, at (916) 227-6228.

Sincerely,


JOHN C. McMILLAN
Deputy Division Chief
Office Engineer
Division of Engineering Services



April 10, 2014

To: Earl Seaberg
Contract Awards Branch Chief
Department of Transportation
Division of Engineering Services
Office Engineer MS 43
1727 30th Street
Sacramento, CA 95816

Re: Bid Protest
01-0C8304 Hwy 29
Bid Date: March 26, 2014

Dear Mr. Seaberg,

On Wednesday, March 26th, 2014, Ghilotti Construction Company bid the above referenced project. During a review of Granite Construction's (Granite) and Knife River's (Knife River) submitted bid documents subsequent to the bid opening, it was determined that Granite and Knife River failed to properly submit the "Subcontractor List" form. Accordingly, Ghilotti Construction Company hereby formally protests an award of this contract to either Granite or Knife River. Their bids should be deemed nonresponsive.

The Dept. of Transportation should reject Granite's bid as nonresponsive because it failed to properly submitted the Subcontractor List form.

On the Subcontractor list form, Granite identified Contractors Chemical as performing the following items of work in column 2 with the corresponding descriptions in column 4:

Bid Items: 13 Description: Remove concrete deck surface
Bid Items: 15 Description: *****BLANK*****
Bid Items: 16 Description: Polyester concrete overlay
Bid Items: 17 Description: Polyester concrete overlay
Bid Items: 39 Description: Mob (partial)

Here Granite has assigned bid item 15 in column 2 to Contractors Chemical but they have left column 4 blank and not provided the appropriate corresponding description.
(See Attachment A)

— Engineering Contractor —

The Subcontractor List form states in part, "... Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid... Failure to provide complete information in columns 1 through 4 within the time specified will result in a nonresponsive bid."

Granite failed to list the column 4 description for bid item 15 listed in column 2.

As such, the Department must find Granite's bid nonresponsive.

The Dept. of Transportation should reject Knife River's bid as nonresponsive because it failed to properly submitted the Subcontractor List form.

On the Subcontractor list form, Knife River identified Contractors Chemical as performing the following items of work in column 2 with the corresponding descriptions in column 4:

- Bid Items: 13 Description: *****BLANK*****
- Bid Items: 15 Description: *****BLANK*****
- Bid Items: 16 Description: Polyester concrete overlay
- Bid Items: 17 Description: Polyester concrete overlay
- Bid Items: 39 Description: *****BLANK*****

Here Knife River has assigned bid items 13, 15 and 39 in column 2 to Contractors Chemical but they have left column 4 blank and not provided the appropriate corresponding description for these items of work. Bid items 13 and 15 are not "Polyester concrete overlay" they are "remove concrete deck surface" and "prepare concrete bridge deck surface".

(See Attachment B)

The Subcontractor List form states in part, "... Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid... Failure to provide complete information in columns 1 through 4 within the time specified will result in a nonresponsive bid."

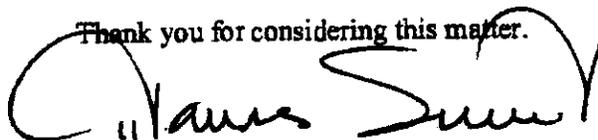
Knife River failed to list the column 4 descriptions for bid items 13 and 15 listed in column 2.

As such, the Department must find Knife River's bid nonresponsive.

Additionally, Knife River has overstated their Certified DVBE Summary. In its Subcontractor List, Knife River commits 54% of bid item 3 and 100% of bid item 6 to Sambrano Traffic Control equaling a total dollar value of \$47,610. However, on its Certified DVBE Summary form, Knife River commits bid items 3 and 6 to Sambrano for a total dollar value of \$54,910. Knife River cannot commit to more dollars on the Certified DVBE Summary than they made available on their Subcontractor List. As a result the total dollars available to Sambrano on the Certified DVBE form are \$47,610 equaling 2.6% of the total contract. As such, Knife River is nonresponsive for not achieving the required 3.0% DVBE participation.

Based on this information, Ghilotti Construction Company hereby protests an award of this contract to Granite and Knife River.

Thank you for considering this matter.



Thomas Smith
Estimating Manager
Ghilotti Construction Company, Inc

GRANITE A

Percentages of Bid item Subcontracted:

List this sub? Yes

5) Business Name: Coughlin Company
City: St. George State: UT

Description of Subcontracted Work:

CIR (partial), Cement CIR, Emulsified Recycling Agent CIR, Mob (partial)

Bid Item Numbers:

19

Percentages of Bid item Subcontracted:

70.9

Bid Item Numbers:

20, 21

Percentages of Bid item Subcontracted:

100, 100

Bid Item Numbers:

39

Percentages of Bid item Subcontracted:

22.9

Bid Item Numbers:

Percentages of Bid item Subcontracted:

Bid Item Numbers:

Percentages of Bid item Subcontracted:

List this sub? Yes

6) Business Name: Contractors Chemical
City: Hayward State: CA

Description of Subcontracted Work:

* Polyester Concrete Overlay, Mob (partial)

Bid Item Numbers:

* 13, 15, 16, 17

Percentages of Bid item Subcontracted:

100, 100, 100, 100

Bid Item Numbers:

* 39

Percentages of Bid item Subcontracted:

4.5

Bid Item Numbers:

Percentages of Bid item Subcontracted:

Bid Item Numbers:

Percentages of Bid item Subcontracted:

Bid Item Numbers:

Percentages of Bid item Subcontracted:

DESCRIPTION MISSING ↓
"PREPARE CONCRETE BRIDGE DECK SURFACE"
Remove Concrete Deck Surface

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
BID BOOK

Contract No.: 01-0C8304 Project ID: 0113000064
Bidder: VC000000213 - Granite Construction Company

GRANITE A

Item No.	Item Code	Item Description	Unit Of Meas	Quant	Unit Price		Item Total	
					Dollars	Cts	Dollars	Cts
10	150715	REMOVE THERMOPLASTIC PAVEMENT MARKING	SQFT	200.0	5.00		1,000.00	
11	150768	REMOVE ASPHALT CONCRETE PAVEMENT (CY)	CY	11.0	200.00		2,200.00	
12	150771	REMOVE ASPHALT CONCRETE DIKE	LF	7,760.0	1.00		7,760.00	
13	150870	REMOVE CONCRETE DECK SURFACE	SQFT	520.0	21.00		10,920.00	
14	153103	COLD PLANE ASPHALT CONCRETE PAVEMENT	SQYD	5,400.0	4.50		24,300.00	
15	153225	PREPARE CONCRETE BRIDGE DECK SURFACE	SQFT	520.0	10.00		5,200.00	
16	153227	FURNISH POLYESTER CONCRETE OVERLAY	CF	44.0	135.00		5,940.00	
17(F)	153228	PLACE POLYESTER CONCRETE OVERLAY	SQFT	520.0	25.00		13,000.00	
18	190185	SHOULDER BACKING	TON	2,120.0	35.00		74,200.00	
19	027078	COLD IN-PLACE RECYCLING	SQYD	22,900.0	5.50		125,950.00	

Received
APR-10-2014 THU 11:42 AM

Apr 10 2014 10:44am
FAX NO.

P. 06/10

List this sub? Yes

7) Business Name: Contractors Chemical
City: Hayward State: CA
Description of Subcontracted Work:

KNIFE RIVER

* Polyester Concrete Overlay

DESCRIPTION MISSING

B

→ REMOVE CONCRETE DECK SURFACE
→ PREPARE CONCRETE BRIDGE DECK SURFACE

Bid Item Numbers:

* 13, 15, 16, 17

Percentages of Bid item Subcontracted:

100, 100, 100, 100

Bid Item Numbers:

* 39 (Partial)

Percentages of Bid item Subcontracted:

2

Bid Item Numbers:

Percentages of Bid item Subcontracted:

Bid Item Numbers:

Percentages of Bid item Subcontracted:

Bid Item Numbers:

Percentages of Bid item Subcontracted:

KNIFE RIVER

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
BID BOOK

Contract No.: 01-0C8304
Bidder: VC0000017494 - Baldwin Contracting Company, Inc. dba Knife River Const

Project ID: 0113000064

B

Item No.	Item Code	Item Description	Unit OF Meas	Quant	Unit Price		Item Total	
					Dollars	Cts	Dollars	Cts
10	150715	REMOVE THERMOPLASTIC PAVEMENT MARKING	SQFT	200.0	5.00		1,000.00	
11	150768	REMOVE ASPHALT CONCRETE PAVEMENT (CY)	CY	11.0	300.00		3,300.00	
12	150771	REMOVE ASPHALT CONCRETE DIKE	LF	7,760.0	0.80		6,208.00	
13	150870	REMOVE CONCRETE DECK SURFACE	SQFT	520.0	21.00		10,920.00	
14	153103	COLD PLANE ASPHALT CONCRETE PAVEMENT	SQYD	5,400.0	1.90		10,260.00	
15	153225	PREPARE CONCRETE BRIDGE DECK SURFACE	SQFT	520.0	10.00		5,200.00	
16	153227	FURNISH POLYESTER CONCRETE OVERLAY	CF	44.0	135.00		5,940.00	
17 (F)	153228	PLACE POLYESTER CONCRETE OVERLAY	SQFT	520.0	25.00		13,000.00	
18	190185	SHOULDER BACKING	TON	2,120.0	47.00		99,640.00	
19	027078	COLD IN-PLACE RECYCLING	SQYD	22,900.0	8.75		200,375.00	

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
BID BOOK

Contract No.: 01-0C8304 Project ID: 0113000064
Bidder: VC0000017494 - Baldwin Contracting Company, Inc. dba Knife River Const

SUBCONTRACTOR LIST

KNIFE RIVER B

The bidder must identify each subcontractor performing 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.). Complete business name, location, and description of subcontracted work and submit with the bid. Complete bid item numbers and percentage of bid item subcontracted and submit with the bid, or fax to (916)227-6282 within 24 hours after the bid opening. Failure to provide complete information in all areas within the time specified will result in a nonresponsive bid.

List this sub? Yes

1) Business Name: Sambrano Traffic Control
City: Wilton State: CA
Description of Subcontracted Work:

Traffic Control (Partial)

Bid Item Numbers:

3 (Partial)

Percentages of Bid item Subcontracted:

54

Bid Item Numbers:

Percentages of Bid item Subcontracted:

List this sub? Yes

2) Business Name: Sambrano Traffic Control
City: Wilton State: CA
Description of Subcontracted Work:

Message Boards

Bid Item Numbers:

6

Percentages of Bid item Subcontracted:

100

Bid Item Numbers:

Percentages of Bid item Subcontracted:

Bid Item Numbers:

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
BID BOOK

Contract No.: 01-0C8304
Bidder: VC0000017494 - Baldwin Contracting Company, Inc. dba Knife River Const

Project ID: 0113000064

KNIFE RIVER B

Item No.	Item Code	Item Description	Unit Of Meas	Quant	Unit Price		Item Total	
					Dollars	Cts	Dollars	Cts

Section 1 BID ITEM LIST

1	070030	LEAD COMPLIANCE PLAN	LUMP SUM		LUMP SUM			1,000.00
2	120090	CONSTRUCTION AREA SIGNS	LUMP SUM		LUMP SUM			3,876.00
3	120100	TRAFFIC CONTROL SYSTEM	LUMP SUM		LUMP SUM			64,000.00
4	120149	TEMPORARY PAVEMENT MARKING (PAINT)	SQFT	470.0		2.00		940.00
5	120159	TEMPORARY TRAFFIC STRIPE (PAINT)	LF	15,300.0		0.20		3,060.00
6	128651	PORTABLE CHANGEABLE MESSAGE SIGN (EA)	EA	3.0		4,350.00		13,050.00
7	130100	JOB SITE MANAGEMENT	LUMP SUM		LUMP SUM			4,000.00
8	130200	PREPARE WATER POLLUTION CONTROL PROGRAM	LUMP SUM		LUMP SUM			650.00
9	130900	TEMPORARY CONCRETE WASHOUT	LUMP SUM		LUMP SUM			1,000.00

x 54% =
34,560

x 100% =
13,050

SANBRANO TOTAL → \$47,610

Third Bidder

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
CERTIFIED DVBE SUMMARY
DES-OE-0102.5 (REV 3/2008)

04-23-14 12:08 RCVD

DISTRICT-COUNTY-ROUTE: 01 - Lak - 29
 CONTRACT NO.: 02-OCB304
 TOTAL BID: \$ 1,827,596.00
 BID OPENING DATE: 3/26/14
 BIDDER'S NAME: Knife River Construction
 DVBE PRIME CONTRACTOR CERTIFICATION: N/A

**KNIFE
RIVER
D**

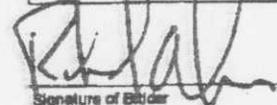
Bid Item Number	Description of Work to Be Subcontracted to DVBE or Materials to Be Supplied by DVBE *	For Caltrans Only	DVBE (Name, Telephone No., and Certification No.)	\$ Amount
3 (Partial) 6	Traffic Control Message Boards		Sambrano Traffic Control, Inc. 916-687-6472 # 1159740	\$54,910.00 47,610-

SHOULD BE →

Names of first tier DVBE subcontractors and their items of work listed must be consistent with the names and items of work in the Subcontractor List (Pub Cont Code § 4100 et seq.) submitted with the bid. Identify second and lower tier subcontractors on this form.

Total Claimed Participation	\$54,910.00
	3.0 %
	2.6 %

- DVBE prime contractors must enter their DVBE reference number or their DBA name as listed with Department of General Services (DVBE prime contractors are credited with 100 percent DVBE participation and need not complete the above table).
- If 100% of an item is not performed or supplied by the DVBEs, describe the exact part, including the planned location of work to be performed, of item to be performed or supplied by DVBE.


Signature of Bidder
3/27/13
Date

530-891-6555
(Area Code) Telephone Number

Jared Springer
Contact Person (Type or Print)

Submit to:

MSC 43
OFFICE ENGINEER
DEPARTMENT OF TRANSPORTATION
1727 30TH STREET
SACRAMENTO, CA 95816-7005

**** Transmit Conf. Report ****

P.1
CALTRANS CONTR AWARDS Fax 916-227-6282

May 15 2014 12:00pm

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
917075850129	Normal	15:11:59am	0'41"	5	# O K	

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER
P.O. BOX 168041, MS-43
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6299
FAX (916) 227-6282
TTY 711
www.dot.ca.gov



*Serious drought.
Help save water!*

May 15, 2014

Facsimile: (707) 585-0129

Thomas Smith, Estimating Manager
Ghilotti Construction, Inc.
246 Ghilotti Ave.
Santa Rosa, CA 95407

01-0C8304
01-Lak-29-R48.4/52.4
B.O. 03/26/14

Dear Mr. Smith:

The Department of Transportation (Caltrans) received letter dated April 10, 2014, from Ghilotti Construction Company (Ghilotti) protesting the bids submitted by Granite Construction (Granite) and Knife River Construction (Knife River) on March 26, 2014, for the above Contract 01-0C8304.

The protest alleges that Granite and Knife River failed to properly submit the Subcontractor List form, and in addition, Knife River overstated its Disabled Veteran Business Enterprise (DVBE) participation.

Caltrans conducted a review of the bid documents submitted by Granite and determined that the Subcontractor List form was submitted at time of bid and there was no subsequent 24 hour list submitted. As such, there were no changes made to the submission and an absence of the work description on the Subcontractor List is immaterial, as the bid item number was identified and is a normal progression of the work to be performed.

Furthermore, as the protest relates to Knife River's DVBE Summary, Caltrans did not conduct a review of the Knife River's post bid submittals since, the low bidder was found responsive and met the DVBE goal for this contract.

Based on the above, Caltrans finds that the protest submitted by Ghilotti does not have merit and will proceed to award the contract to the lowest responsible bidder, provided that all requirements have been met.

If you have any questions, please contact Mulissa Smith, Contract Awards Branch Chief, at (916) 227-6228.

Sincerely,


JOHN C. McMILLAN
Deputy Division Chief
Office Engineer
Division of Engineering Services