

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER, MS 43

1727 30th STREET

SACRAMENTO, CA 95816-8041

PHONE (916) 227-6299

FAX (916) 227-6282

www.dot.ca.gov/hq/esc/oe



*Serious drought.
Help save water!*

July 9, 2014

Facsimile: (707) 585-0129

Thomas Smith, Estimating Manager
Ghilotti Construction Company
246 Ghilotti Avenue
Santa Rosa, CA 95407

01-474904
01-Men-1-70.3/70.7
B.O. 6/18/2014

Dear Mr. Smith:

The Department of Transportation (Caltrans) received the attached letter dated June 26, 2014 from Ghilotti Construction Company (Ghilotti) protesting the bid submitted by Granite Construction Company (Granite) for Contract No. 01-474904.

The protest alleges that Granite's Subcontractor List form specifies that Apply-A-Line is to perform bid items 5 (temp. pavement marking), 6 (temp traffic stripe), 32 (remove yellow stripe), 106 (thermoplastic marking), 107 (paint marking), and 108 (pavement marker) each at greater than 100 percent (170, 120, 132.5, 240, 120, and 180 percent respectively). Ghilotti requests Caltrans find Granite nonresponsive and award the contract to Ghilotti.

After a review of the bid documents submitted by Granite, Caltrans determined that an error was committed with regard to the percentage of work identified for the above mentioned bid items. Caltrans finds that this error is waivable, since the work to be performed could not exceed 100 percent. As such, by waving this error, no competitive advantage is given to the bidder.

Based on the above determination, Caltrans finds Ghilotti's protest lacks merit and will proceed to award the contract to the lowest responsible bidder provided that all requirements are met.

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

Sincerely,

A handwritten signature in black ink, appearing to read "John C. McMillan".

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

Attachment



June 26, 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
01-474904 Hwy 1
Bid Date: June 18, 2014

Dear Mr. Seaberg,

On Wednesday, June 18th, 2014, Ghilotti Construction Company bid the above referenced project. During a review of Granite Construction's (Granite) bid documents submitted subsequent to the bid opening, it was determined that Granite failed to properly submit the "Subcontractor List" form. Accordingly, Ghilotti Construction Company hereby formally protests an award of this contract to Granite. Their bid 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 Apply-A-Line as performing the work for items 5, 6, 32, 106, 107 and 108 at greater than 100 percent. (Example A)

The Department has made a determination regarding this improper submittal previously when it found Coast Construction non-responsive for the identical reason. (Example 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."

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

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

Thank you for considering this matter.

A handwritten signature in black ink, appearing to read "Thomas Smith", is written over a horizontal line.

Thomas Smith
Estimating Manager
Ghilotti Construction Company, Inc

— Engineering Contractor —

EXAMPLE A

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
DES-OE-0102.2 (REV 3/2011)

Bidder Name: GRANITE CONSTRUCTION COMPANY

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 columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916) 227-6282 within 24 hours after the bid opening. Failure to provide complete information in columns 1 through 4 within the time specified will result in a nonresponsive bid.

| Column 1: Business Name and Location | Column 2: Bid Item Nos. | Column 3: Percentage of Bid Item Subcontracted | Column 4: Description of Subcontracted Work |
|--------------------------------------|--|---|--|
| SONOMA REINFORCING WINDSOR, CA | 76 77 | 26.36 81.23 | BARRIER SLAB REBAR REBAR |
| LACO ASSOCIATES UKIAH, CA | 14 15 16 17 28 30 | 100.00 80.00 100.00 76.00 100.00 100.00 | PREPARE SWPPP RAIN EVENT ACTION PLAN STORM WATER SAMPLING & ANALYSIS STORM WATER ANNUAL REPORT WATER SAMPLING ANALYSIS WATER QUALITY MONITORING REPORT |
| GREEN VISTA LANDSCAPE ROCKLIN, CA | 18 19 20 22 23 24 25 31 55 56 57 58 59 60 61 62 63 | 100.00 100.00 100.00 100.00 100.00 100.00 100.00 100.00 100.00 100.00 100.00 90.00 100.00 100.00 100.00 100.00 100.00 | TEMP. EROSION CONTROL BLANKET MOVE-IN/MOVE-OUT TEMP. EROSION CONTROL TEMP. HYDRAULIC MULCH TEMP. DRAINAGE INLET PROTECTION TEMP. FIBER ROLL TEMP. GRAVEL BAG BERM TEMP. LARGE SEDIMENT BARRIER TEMP. FENCE TYPE ESA MOVE-IN/MOVE-OUT EROSION CONTROL EROSION CONTROL BFM ROLLED EROSION CONTROL NETTING HYDROMULCH FIBER ROLLS STRAW HYDROSEED COMPOST INCORPORATE MATERIALS |
| AC DIKE CD. LINCOLN, CA | 68 69 | 100.00 100.00 | PLACE TYPE C DIKE PLACE TYPE F DIKE |
| APPLY-A-LINE ANDERSON, CA | 1 5 6 32 105 106 107 108 87 | 56.62 170.00 120.00 132.50 100.00 240.00 120.00 180.00 68.75 | LEAD COMPLIANCE PLAN TEMP. PAVEMENT MARKING TEMP. TRAFFIC STRIPE REMOVE YELLOW STRIPE 4" THERMOPLASTIC STRIPE THERMOPLASTIC MARKING PAINT MARKING PAVEMENT MARKER CENTERLINE RUMBLE STRIP |
| ABSL CONSTRUCTION HAYWARD, CA | 44 47 | 65.63 3.81 | COLD PLANE AC ROADWAY EXCAVATION |
| SPENCER ELECTRIC CUTTEN, CA | 8 | 96.67 | TEMP. SIGNAL SYSTEM |

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 30th STREET
P. O. BOX 168041
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6280
FAX (916) 227-6151
TTY 711



*Flex your power!
Be energy efficient!*

EXAMPLE B

January 25, 2011

Facsimile: (415) 444-0793

Barry Semnani, President
Coast Construction, Inc.
4460 Redwood Highway, Suite 6
San Rafael, CA 94903

06-0G9604
06-Fre-99-15.9/23.9
B.O. 1/19/11

Dear Mr. Semnani:

Coast Construction, Inc. (Coast) submitted a bid on contract 06-0G9604 on January 19, 2011. By this letter, the Department notifies Coast that its bid is non-responsive because it failed to properly submit the Subcontractor List.

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 or fax to (916) 227-6282 within 24 hours after the bid opening. Failure to provide complete information in columns 1 through 4 within the time specified will result in a non-responsive bid." When Coast submitted the percent of bid item subcontracted, as required in column 3, it listed more than 100 percent of the work for items 11, 24 and 26 would be subcontracted.

Based on the above, the Department finds your bid is non-responsive. The Department will proceed to award the contract to the lowest responsible bidder provided all requirements are met.

If you have any questions, please contact Loren Newell, Contract Awards Branch Chief, at (916) 227-6285.

Sincerely,

KRIS KUHL
Chief, Office of Contract Awards & Services
Office Engineer
Division of Engineering Services

EXAMPLE B

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
DES-05-01022 (REV 2/2010)

Bidder Name: COAST CONSTRUCTION INC

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 Cost Code § 4100 et seq.). Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916) 227-6282 within 24 hours after the bid opening. Failure to provide complete information in columns 1 through 4 within the time specified will result in a non-responsive bid.

| Column 1: Business Name and Location | Column 2: Bid Item No.(s) | Column 3: Percent of Bid Item Subcontracted | Column 4: Description of Subcontracted Work |
|---|---------------------------|---|---|
| ARROW SIGNS TEMECULA, CA | 4 | 35 | CONSTRUCTION SIGNS |
| SCI PAVEMENT SERVICES RIALTO, CA | 5 | 15 | PARTIAL TRAFFIC CONTROL |
| | 9 | 63.6 | REMOVE THERMO MARKING |
| | 18 | 50 | PARTIAL LEAD COMP. FROM |
| | 35 | 75 | 4" STRIPE |
| | 36 | 75 | 8" STRIPE |
| | 37 | 75 | PAVEMENT MARKINGS |
| | 38 | 81.8 | PAVEMENT MARKER |
| CROWN ELECTRICAL CONSTRUCTION CLOVIS, CA | 39 | 91 | MAINTAIN TRAFFIC SYS. |
| | 40 | 91 | MODIFY SIGNAL |
| | 41 | 91 | " " " |
| | 42 | 91 | " " " |
| | 43 | 89 | " " " |
| | 44 | 90.7 | MODIFY LIGHTING |
| | 45 | 91 | PARTIAL MOB. |
| | 46 | 57 | |
| ACE FENCE CO. LA PUENTE CA. | 8 | 83.3 | REMOVE ABERR |
| | 33 | 76 | TRANS. RAIL |
| | 34 | 76 | TERMINAL SYS. |
| KRC SAFETY CO. INC. 6084 W. HURELY AVE. VISALIA, CA 93291 | 10 | 78.5 | REMOVE SIGN |
| | 11 | 151 | " PANEL |
| | 13 | 90.75 | RESET SIGN |
| | 24 | 102 | FURNISH SIGN |
| | 25 | 97.5 | " " |
| | 26 | 109 | ROAD SIDE SIGN |
| | 27 | 84.5 | INSTALL SIGN |

ADA Notice: For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-8310 or TDD (916) 654-3880 or write Records and Permit Management, 1120 N Street, MS-905 Sacramento, CA 95811.

Contract No. 06-0G9604
6

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 30th STREET
P. O. BOX 168041
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6280
FAX (916) 227-6282
TTY 711



Flex your power!
Be energy efficient!

EXAMPLE B

March 7, 2011

Facsimile: (415) 444-0793

Berry Semmani, President
Coast Construction, Inc.
4460 Redwood Highway, Suite 6
San Rafael, CA 94903

06-0G9604
06-Fre-99-15.9/23.9
B.O. 1/19/11

Dear Mr. Semmani:

The Department received Coast Construction, Inc. 's (Coast) letter dated January 26, 2011 protesting the Department's determination that Coast's bid on Contract 06-0G9604 is non responsive. The Department considered the attached letter and upholds its prior decision. Accordingly, Coast's protest is denied.

The Department will award the contract to Arthurs Construction Inc.

If you have any questions, please contact Loren Newell, Contract Awards Branch Chief, at (916) 227-6285.

Sincerely,

JOHN McMILLAN
Deputy Division Chief
Office Engineer
Division of Engineering Services

Attachment

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

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

Jul 9 2014 11:00am

| Fax/Phone Number | Mode | Start | Time | Page | Result | Note |
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STATE OF CALIFORNIA - CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
 DIVISION OF ENGINEERING SERVICES
 OFFICE ENGINEER, MS 43
 1727 30th STREET
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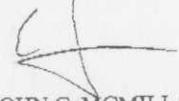
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Sincerely,


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

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