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 21, 2014

Facsimile: (408) 496-0806

Steven Michelson, CEO
Water Rock Construction
2314 Walsh Avenue.
Santa Clara, CA 95052

01-497104
01-Men-5718
B.O. 03/12/14

Dear Mr. Michelson:

The Department of Transportation (Caltrans) received the attached letters dated March 13 and April 22, 2014, from Water Rock Construction (Water Rock) protesting the bid submitted by Innovative Construction (Innovative) on March 13, 2014 for the above contract. The protest alleges that Innovative listed Remedy Engineering, Inc. to perform drilling, surveying, well logging, sampling and reporting, and is not a licensed C-57 drilling contractor. The protest further alleges that Innovative unbalanced its bid by under bidding bid item 6, Structure Excavation (Petroleum-Impacted Soil). Water Rock requested that Caltrans find the bid nonresponsive and award the contract to Water Rock.

Caltrans conducted a review of this bid documents submitted by Innovative, and has determined that Remedy Engineering (Remedy) is providing Consultant and or oversight services to Innovative and a second tier to Remedy, Fisch Environmental (License No. 683865) is listed to perform work described as drilling.

As the protest relates to unbalancing, a bid is materially unbalanced when it is based on prices significantly less than the cost of some work and prices which are significantly over stated in relation to the cost of other work, and generates a reasonable doubt that award to the bidder submitting such a bid would result in the lowest ultimate cost to the state.

Caltrans finds that the bid as submitted does not represent a disadvantage nor does it a pose risk to the state. Furthermore, the quantity in the engineer's estimate was calculated based on test and may not represent the true quantity of petroleum impacted soil to be removed.

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

** Transmit Conf.Report **

P.1 May 21 2014 01:46pm
CALTRANS CONTR AWARDS Fax 916-227-6282

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STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY EDMUND G. BROWN Jr., Governor

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