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!
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April 25, 2013

Facsimile: (530) 894-6220

Richard Lanier, Estimating Manager
Knife River Construction
1764 Skyway
Chico, CA 95928

02-4E5204
02-Sha-44-R21.0/R21.4
B.O. 03/19/2013

Dear Mr. Lanier:

The Department of Transportation (Caltrans) received the attached letter submitted by Knife River Construction (Knife River) on April 4, 2013, protesting the bid submitted by Flat Top Grading, Inc. (Flat Top) for Contract No. 02-4E5204. Knife River alleges that Flat Top revised the subcontractor listing after bid to include traffic control, shoulder backing, replace asphalt concrete surfacing and tack coat.

After careful review of both the protest and response provided by Flat Top, Caltrans engineers have determined that the items of work listed are relative to the description of work to be performed by the subcontractor.

Based on the above action, Caltrans will proceed to award the contract to the lowest responsible bidder provided that all requirements have been met.

A copy of this letter will be forwarded to the Resident Engineer and Flat Top Grading, Inc.

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

Received Apr 15 2013 11:50am

FLAT TOP GRADING, INC.

General Engineering Construction
CA No. 942451 • NV No. 50626

P.O. Box 161 • Montague, CA 96064
Phone: 530-459-3956 • Fax: 530-459-3976

April 15, 2013

Mr. John McMillan
Department of Transportation
Deputy Division Chief
Office Engineer, MS43
Division of Engineering Services
1727 30th Street
Sacramento, CA 95816-8041

VIA FACSIMILE TO: (916) 227-6282

Reference: Caltrans Contract 02-4E5204
Bid Opening: March 19, 2013

Dear Mr. McMillan:

Following application of the small business preference, Flat Top Grading, Inc. is the apparent low bidder for the reference project. Knife River Construction, the third low bidder, submitted a bid protest dated April 4, 2013, attached, stating that Flat Top Grading made material changes to the subcontractor listing.

Flat Top Grading disputes the basis of the Knife River protest. Flat Top Grading accepted a subcontractor proposal from Darren Taylor Construction for the asphalt paving items prior to the time of bid and incorporated the proposal into the bid submitted to Caltrans. Flat Top Grading listed Darren Taylor Construction on the initial subcontractor listing at the time of bid and listed the description of subcontracted work in column four of the form as "AC Paving and Cold Plane AC" which is the appropriate description of the scope of work subcontracted.

Knife River's protest claiming a material change to the subcontractor listing is without merit. The important question is simple, did Flat Top Grading modify, in any way, the scope of work to be subcontracted after the time of bid? The answer is no. Flat Top Grading incorporated the entire Darren Taylor Construction proposal into the bid submitted to Caltrans. The proposal included the traffic control required to support the AC Paving work, shoulder backing, and tack coat as components of AC Paving and cold planning.

Flat Top Grading carefully prepared the bid to Caltrans, and in doing so relied on the following documents: Caltrans Standard Specifications 2010 edition, the Project Special Provisions, and the Caltrans document, *Construction Contracting with Caltrans – How to Submit a Responsive Bid, March 2010 edition*. Flat Top Grading did not include a list of the bid items to be subcontracted in Column four of the Subcontractor List because that is not what was asked for.

Flat Top Grading is fully prepared to present the subcontractor proposals relied upon at bid time which clearly show there was no modification of subcontracted work.

Received Apr 15 2013 11:51am

Flat Top Grading respectfully requests that Caltrans reject the Knife River protest and award the contract to the apparent low bidder, Flat Top Grading.

Please contact me at the above number if you have any questions or comments.

Sincerely,

Thomas R Patton

Thomas R. Patton
President

enclosure

c: file

Received Apr 15 2013 11:51am

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION

SUBCONTRACTOR LIST

DES-OE-0102.2 (REV 3/2011)

Bidder Name: FLAT TOP GRADING

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
CONVERSE CONSTRUCTION 20563 SUNSET LANE REDDING, CA 96049	43	100 %	LIGHTING
DARREN TAYLOR CONST. 5750 PLEASANT VIEW DR ANDERSON, CA 96007	3 15 18 23 24 25	59 % 100 % 100 % 100 % 100 % 100 %	AC PAVING + COLD PLANE AC
APPLY - A - LINE, INC 19652 N. HIRSCH CT ANDERSON, CA 96007	40 41 42	100 % 100 % 100 %	STRIPING + PAVEMENT MARKERS

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** Transmit Conf.Report **

P.1 Apr 25 2013 04:51pm
CALTRANS CONTR AWARDS Fax 916-227-6282

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

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A copy of this letter will be forwarded to the Resident Engineer and Flat Top Grading, Inc.

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