



March 14, 2014

Via U.S. Mail and Facsimile (916) 227-6282

John C. McMillan
Office Engineer, MS 43
California Dept. of Transportation
1727 30th Street
Sacramento, CA 95816-7005

RE: Construction on State Highway in Modoc County near Alturas from 0.2 mile north of B Street to 0.1 mile north of County Road 133A
Caltrans Contract No. 02-4G1704, 02-Mod-23.3/40.0
Protest of Bid Submitted by Vincent Kentish Evans

Dear Mr. McMillan,

Please consider this letter to be a formal protest of the bid submitted by Vincent Kentish Evans ("VCE") for Caltrans Contract No. 02-4G1704, 02-Mod-23.3/40.0.

For the reasons stated below, VCE's bid is non-responsive. VCE's bid must be rejected based on the Department's bidding requirements and strictly enforced policies.

1. VCE has Materially Unbalanced their Bid

In the unit pricing submitted with the bid, bid item numbers 9 & 10 are materially unbalanced. Bid item number 9 "Asphalt Rubber Binder" was bid at a unit price of \$200 per ton and bid item number 10 "Asphaltic Emulsion (Fog Seal Coat) was bid at a unit price of \$125 per ton. The main ingredient in both of these products is paving asphalt and per the California Paving Asphalt Price Index in March 2014, the cost of paving asphalt is \$583 per ton. For

example, with Asphalt Rubber Binder requiring 77.5% Paving Asphalt per ton of Asphalt Rubber Binder, the minimum cost of Asphalt Rubber Binder (without the crumb rubber, high natural rubber, and extender oil) would be \$452.37 based on the California Paving Asphalt Price Index in March 2014.

Based on this information it is easily concluded that VCE does not understand the cost of this work, and should be found non-responsive.

2. VCE did not list Subcontractor to perform Asphalt Rubber Chip Seal

To the best of our knowledge, VCE has never performed a Chip Seal for Caltrans or any other agency and does not currently have equipment and/or personnel to perform this work, but VCE did not list a subcontractor to perform this work. Since a subcontractor was not listed on the Subcontractor page, their bid states that they will self-perform the Asphalt Rubber Chip Seal work that is required on this contract.

Asphalt Rubber Chip Seal is a Specialty type of work and requires specialized Blending Equipment and Spreader trucks to perform this work. Based on this information VCE should be found non-responsive.

3. VCE requested Small Business Preference, but they are not a State of California Certified Small Business

VCE requested Small Business Preference on this bid but they are not a State of California Certified Small Business. Based on this information, VCE should be found non-responsive.

Sincerely,
AMERICAN PAVEMENT SYSTEMS, INC.



Dave Pimley
Chip Seal Division Manager