



Granite Construction Company  
1900 Glendale Avenue  
Box 2087  
Sparks, NV 89431

T 775 356 8792  
F 775 358 0372

graniteconstruction.com

March 27, 2013

Department of Transportation  
Attn: John McMillan  
1727 30<sup>th</sup> Street MS-43  
Sacramento, CA 95816

**Via US Mail & Fax**

**RE: Caltrans Contract #03-1A7324**

**Subject: Garcia's Moot Bid Protest**

Dear Mr. McMillan,

Granite Construction Company (Granite) is in receipt of Don Garcia Excavating & Paving, Inc.'s (Garcia) second protest attempt of Caltrans' determination that Granite's bid for the above referenced Contract is responsive. (Garcia protest letter of March 20, 2013 is enclosed) On December 4, 2012, Granite timely submitted the low bid on the Contract, which complied with all material bid requirements as deemed by California State law. Granite's bid was for \$4,388,388.00, a sum of \$125,588.00 less than Garcia's bid. Garcia's supplemental protest adds nothing to the issues already analyzed, addressed and rejected by Caltrans. Caltrans' determination that Granite's bid is responsive makes any further argument moot. Significantly, Caltrans found that any anomaly in Granite's bid was immaterial, and thus, Granite remains the lowest responsive bidder.

If you have any questions or require additional information please contact me at your convenience.

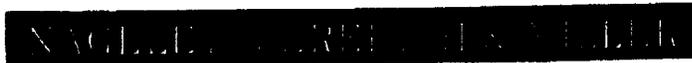
Sincerely,

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

Chris Burke  
Chief Estimator  
Granite Construction Company - Nevada Region  
Direct 775.352.1938 | Cell 775.813.0907 | Fax 775.358.0372

Enclosed: Garcia Supplemental Bid Protest (13 pgs.)

## LAW OFFICES



SAM ROTH NADLEY  
(1937 - 2003)

I N C

LAWRENCE N. HENSLEY  
JAMES C. KEOWEN  
CRAIG S. MACGLASHAN  
GREGORY A. MEREDITH  
JANET M. MEREDITH  
ANDREA M. MILLER  
PAUL C. ZIMMERMAN

March 20, 2013

**SENT VIA FEDEX**

John McMillan  
Department of Transportation  
Division of Engineering Services  
1727 30th Street  
P.O. Box 168041  
Sacramento, CA 95816-8041

Re: Caltrans Contract No.: 03-1A7324  
Bid Protest on Behalf of Don Garcia Excavating & Paving, Inc.  
Our File No.: D1049-101

Dear Mr. McMillan:

This letter is to supplement the bid protest by Don Garcia Excavating & Paving, Inc., which protested the awarding of the above described Contract to Granite Construction on the grounds that their original bid was non-responsive and therefore not eligible to be the low bidder on the Contract.

Two matters should be addressed that were raised by Granite Construction. First, Granite's contention that its error was immaterial and a mere formality are unfounded. It relied on a finding in a contract involving Beador. In that instance, Beador apparently failed to insert only one page of seven Addenda named. In this case, Granite totally failed to insert the one page Addenda as directed. The instructions were clear and left no room for deviation.

Likewise, a similar situation has so far been resolved against the bidding contractor. On Contract No. 02-2C2254, Q&D Construction was found to be non-responsive when it similarly failed to include only one page of an addendum. See attached letter of non-responsiveness dated February 27, 2013. This omission resulted in one bid item being omitted.

As stated in the main protest by Don Garcia; California law is clear, that bid that deviates even in the slightest must be rejected as non-responsive. See Konica Business Machines v. Regents of the University of California (1988) 206 Cal.App.3d 449, 457. California's policy of strict compliance is intended to

John McMillan

Re: Caltrans Contract No.: 03-1A7324

March 20, 2013

Page 2

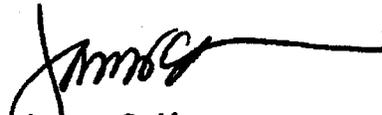
eliminate favoritism, fraud, corruption and misuse of public funds. See Domar Elec. V. City of Los Angeles (1994) 9 Cal.4th 161, 173.

It is imperative for Caltrans to reject Granite's bid and reinstate Don Garcia Excavating & Paving, Inc. as the lowest responsive bidder to avoid any appearance of impropriety. As I have stated previously, Don Garcia Excavating & Paving, Inc. appreciates your time and consideration of this matter. Further, it should be noted that this ongoing process is causing potentially harmful effects to Don Garcia Excavating & Paving, Inc. as a small, qualified DBE business; its bonding capacity is being impinged, and it has limited bidding opportunities on other jobs pending resolution of this protest.

If you have any questions or wish to discuss the matters raised herein, please do not hesitate to contact Don Garcia Excavating & Paving, Inc., myself or Gregory A. Meredith of this office.

Very truly yours,

NAGELEY, MEREDITH & MILLER, INC.



James C. Keowen

JCK:djw

cc: Mike Garcia

Enclosures: February 27, 2013 Letter.

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 30<sup>th</sup> 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!*

February 27, 2013

Facsimile: (775) 786-5136

Lance Semenko, Senior Vice President  
 Q & D Construction, Inc.  
 P.O. Box 10865  
 Reno, NV 89510

02-2C2254  
 02-Teh-36-91.5  
 B.O. 02/13/2013

Dear Mr. Semenko:

The Department of Transportation (Caltrans) received a bid submitted by Q & D Construction, Inc. (Q & D) for Contract No. 02-2C2254 on February 13, 2013. By this letter, Caltrans notifies Q & D that its bid is nonresponsive because Q & D failed to adhere to the revisions to the Bid book identified in Addendum No. 1.

The Addendum No. 1 form states in part, "...In the Bid book, in the "Bid Item List," Items 7 and 9 are revised, Items 46 and 47 are added and Item 45 is deleted. Replace pages 3 and 5 of the "Bid Item List" in the Bid book with the attached revised pages 3 and 5 of the Bid Item List. The revised Bid Item List is to be used in the bid."

Although Q & D acknowledged Addendum No. 1, Q & D failed to replace page 5 of the Bid Item List in the Bid book causing an irregular bid.

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

Your attention is directed to Section 3-1.04 of the Amendments to the 2010 Standard Specifications. Caltrans is not obligated to offer an extension of the award period for a nonresponsive bid. Should you wish to extend your bid while resolving a nonresponsive finding, you must send your request to the Office Engineer no later than 4:00 p.m., two business days prior to the expiration of your bid.

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

Attachments

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION  
**BID TO THE DEPARTMENT OF TRANSPORTATION**  
 DEB-0E-0102.1 (REV. 3/2011)

- 2.6. For a lump sum based bid, the item total is the bid amount the Department uses for bid comparison.  
 For a unit price based bid, the sum of the item totals is the bid amount the Department uses for bid comparison.  
 For a cost plus time based bid, the sum of the item totals and the total bid for time is the bid amount the Department uses for bid comparison.

2.7. The Department's decision on the bid amount is final.

3. Bidder has and acknowledges the following addends:

1

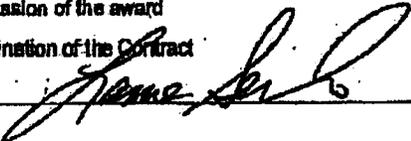
4. Bidder submits this bid with one of the following forms of bidder's security equal to at least 10 percent of the bid:

Cash \$ \_\_\_\_\_, Cashiers Check, Certified Check, Bidder's Bond

5. Bidder's signature is an affirmation of the included certifications. Bidder is cautioned that making a false certification may result in one or more of the following:

- 5.1. Criminal prosecution
- 5.2. Rejection of the bid
- 5.3. Rescission of the award
- 5.4. Termination of the Contract

BY (Authorized Signature)



DATE SIGNED (Do not type)

3/12/13

PRINTED NAME AND TITLE OF PERSON SIGNING

Lance Semenko, Sr. Vice President

**ADA Notice** For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-8410 or TDD (916) 654-8680 or visit Records and Forms Management, 1120 N Street, MS-69, Sacramento, CA 95814.

## BID ITEM LIST

Item No.	Item Code	Item Description	Unit of Measure	Estimated Quantity	Unit Price	Item Total
1	070030	LEAD COMPLIANCE PLAN	LS	LUMP SUM	LUMP SUM	\$2,000 <sup>00</sup>
2	120090	CONSTRUCTION AREA SIGNS	LS	LUMP SUM	LUMP SUM	\$3,500 <sup>00</sup>
3	120100	TRAFFIC CONTROL SYSTEM	LS	LUMP SUM	LUMP SUM	\$25,000 <sup>00</sup>
4	128652	PORTABLE CHANGEABLE MESSAGE SIGN (LS)	LS	LUMP SUM	LUMP SUM	\$3,000 <sup>00</sup>
5	130100	JOB SITE MANAGEMENT	LS	LUMP SUM	LUMP SUM	\$19,000 <sup>00</sup>
6	130300	PREPARE STORM WATER POLLUTION PREVENTION PLAN	LS	LUMP SUM	LUMP SUM	\$2,500 <sup>00</sup>
7	130310	RAIN EVENT ACTION PLAN	EA	6	\$500 <sup>00</sup>	\$2,500 <sup>00</sup>
8	130320	STORM WATER SAMPLING AND ANALYSIS DAY	EA	3	\$1,200	\$3,600 <sup>00</sup>
9	130330	STORM WATER ANNUAL REPORT	EA	1	\$2,000	\$2,000 <sup>00</sup>
10	025182	WATER QUALITY SAMPLING AND ANALYSIS DAY	EA	4	\$1,200	\$4,800 <sup>00</sup>
11	025183	WATER QUALITY MONITORING REPORT	EA	2	\$1,200	\$2,400 <sup>00</sup>
12	130640	TEMPORARY FIBER ROLL	LF	300	\$7 <sup>00</sup>	\$2,100 <sup>00</sup>
13	130660	TEMPORARY SILT FENCE	LF	150	\$6 <sup>00</sup>	\$900 <sup>00</sup>
14	130710	TEMPORARY CONSTRUCTION ENTRANCE	EA	2	\$10,000	\$20,000 <sup>00</sup>
15	025184	TEMPORARY CLEAR WATER DIVERSION	LS	LUMP SUM	LUMP SUM	\$15,000 <sup>00</sup>
16	130900	TEMPORARY CONCRETE WASHOUT	LS	LUMP SUM	LUMP SUM	\$1,000 <sup>00</sup>
17	141000	TEMPORARY FENCE (TYPE ESA)	LF	1,100	\$4 <sup>50</sup>	\$4,950 <sup>00</sup>
18	025185	BIRD DETERRENT	LS	LUMP SUM	LUMP SUM	\$7,000 <sup>00</sup>
19	025186	IN-STREAM HABITAT ENHANCEMENT STRUCTURE	LS	LUMP SUM	LUMP SUM	\$15,000 <sup>00</sup>
20	160310	RAPID SETTING CONCRETE (PATCH)	CF	11	\$350 <sup>00</sup>	\$3,850 <sup>00</sup>

21	158882	REMOVE METAL BEAM GUARD RAILING	LF	258	\$3 <sup>00</sup>	\$750 <sup>00</sup>
22	150857	REMOVE ASPHALT CONCRETE SURFACING	SQFT	2,240	\$2 <sup>50</sup>	\$5,600 <sup>00</sup>
23	151531	RECONSTRUCT FENCE	LF	100	\$60 <sup>00</sup>	\$6,000 <sup>00</sup>
24	153103	COLD PLANE ASPHALT CONCRETE PAVEMENT	SQYD	780	\$15 <sup>00</sup>	\$11,400 <sup>00</sup>
25	153223	REMOVE UNSOUND CONCRETE	CF	11	\$350 <sup>00</sup>	\$3,850 <sup>00</sup>
26	153225	PREPARE CONCRETE BRIDGE DECK SURFACE	SQFT	2,240	\$4 <sup>50</sup>	\$10,000 <sup>00</sup>
27	153227	FURNISH POLYESTER CONCRETE OVERLAY	CF	188	\$110 <sup>00</sup>	\$18,480 <sup>00</sup>
28 (F)	153228	PLACE POLYESTER CONCRETE OVERLAY	SQFT	2,240	\$8 <sup>00</sup>	\$17,920 <sup>00</sup>
29	180102	CLEARING AND GRUBBING (LS)	LS	LUMP SUM	LUMP SUM	\$7,000 <sup>00</sup>
30	180101	ROADWAY EXCAVATION	CY	5	\$700 <sup>00</sup>	\$3,500 <sup>00</sup>
31	210430	HYDROSEED	SQFT	72,700	.15	\$10,905 <sup>00</sup>
32	380132	HOT MIX ASPHALT (TYPE A)	TON	180	\$235 <sup>00</sup>	\$42,300 <sup>00</sup>
33	387005	TACK COAT	TON	0.3	\$500 <sup>00</sup>	\$150 <sup>00</sup>
34	623001	12" TEMPORARY CULVERT	LF	40	\$52 <sup>00</sup>	\$2,080 <sup>00</sup>
35 (F)	720118	ROCK SLOPE PROTECTION (2T, METHOD A)	CY	850	\$220 <sup>00</sup>	\$143,000 <sup>00</sup>
36 (F)	721019	ROCK SLOPE PROTECTION (NO. 3, METHOD B) (CY)	CY	115	\$330 <sup>00</sup>	\$37,950 <sup>00</sup>
37 (F)	721028	ROCK SLOPE PROTECTION (NO. 1, METHOD B) (CY)	CY	115	\$340 <sup>00</sup>	\$39,100 <sup>00</sup>
38	820151	OBJECT MARKER (TYPE L-1)	EA	2	\$100 <sup>00</sup>	\$200 <sup>00</sup>
39	832001	METAL BEAM GUARD RAILING	LF	170	\$28 <sup>00</sup>	\$4,760 <sup>00</sup>
40 (F)	025187	CONCRETE BARRIER (TRANSITION ANCHOR BLOCK)	LF	14	\$500 <sup>00</sup>	\$7,000 <sup>00</sup>

02

41	839541	TRANSITION RAILING (TYPE WB)	EA	4	\$4,000 <sup>ea</sup>	\$16,000 <sup>ea</sup>
42	839584	ALTERNATIVE IN-LINE TERMINAL SYSTEM	EA	1	\$3,000 <sup>ea</sup>	\$3,000 <sup>ea</sup>
43	839585	ALTERNATIVE FLARED TERMINAL SYSTEM	EA	3	\$3,000 <sup>ea</sup>	\$9,000 <sup>ea</sup>
44	840560	THERMOPLASTIC TRAFFIC STRIPE (SPRAYABLE)	LF	880	\$2.50	\$2,420
45	999990	MOBLIZATION	LS	LUMP SUM	LUMP SUM	\$22,475

TOTAL BID:

\$ 66,000

STATE OF CALIFORNIA-BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

**DEPARTMENT OF TRANSPORTATION**  
**DIVISION OF ENGINEERING SERVICES**  
**OFFICE ENGINEER**  
1727 30<sup>th</sup> Street MS-43  
P.O. BOX 166041  
SACRAMENTO, CA 95816-8041  
FAX (916) 227-8214  
TTY 711



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February 1, 2013

02-Teh-38-91.5  
02-2C2254  
Project ID 0200020139  
ACBHSTP-P036(095)E

Addendum No. 1

Dear Contractor:

This addendum is being issued to the contract for **CONSTRUCTION ON STATE HIGHWAY IN TEHAMA COUNTY ABOUT 8 MILES EAST OF MINERAL AT MILL CREEK BRIDGE.**

Submit bids for this work with the understanding and full consideration of this addendum. The revisions declared in this addendum are an essential part of the contract.

Bids for this work will be opened on Wednesday, February 13, 2013.

This addendum is being issued to revise the Project Plans, the Notice to Bidders and Special Provisions, and the Bid book.

Project Plan Sheet 1 is revised. A copy of the revised sheet is attached for substitution for the like-numbered sheet.

Project Plan Sheet 11a is added. A copy of the added sheet is attached for addition to the project plans.

In the Notice to Bidders and Special Provisions, in the "STANDARD PLANS LIST," the following Standard Plan is deleted:

"T13"

In the Special Provisions, Section 1-1.01, "GENERAL," the following row is added to the table:

025262	FISH SALVAGE	14
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In the Special Provisions, Section 13-12.01B, "Submittals," item 6.4 of the 4th paragraph is revised as follows:

"6.4. Location and construction details of the temporary stream crossings and temporary construction roadway"

Addendum No. 1  
Page 2  
February 1, 2013

02-Teh-36-91.5  
02-2C2254  
Project ID 0200020139  
ACBHSTP-P036(095)E

In the Bid book, in the "Bid Item List," Items 7 and 9 are revised, Items 46 and 47 are added and Item 45 is deleted as attached.

To Bid book holders:

Replace pages 3 and 5 of the "Bid Item List" in the Bid book with the attached revised pages 3 and 5 of the Bid Item List. The revised Bid Item List is to be used in the bid.

Inquiries or questions in regard to this addendum must be communicated as a bidder inquiry and must be made as noted in the Notice to Bidders section of the Notice to Bidders and Special Provisions.

Indicate receipt of this addendum by filling in the number of this addendum in the space provided on the signature page of the Bid book.

Submit bids in the Bid book you now possess. Holders who have already mailed their book will be contacted to arrange for the return of their book.

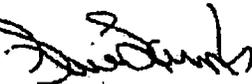
Inform subcontractors and suppliers as necessary.

This addendum and attachments are available for the Contractors' download on the Web site:

[http://www.dot.ca.gov/hq/esc/os/project\\_ads\\_addenda/02/02-2C2254](http://www.dot.ca.gov/hq/esc/os/project_ads_addenda/02/02-2C2254)

If you are not a Bid book holder, but request a book to bid on this project, you must comply with the requirements of this letter before submitting your bid.

Sincerely,



JOHN BULINSKI  
District Director

Attachments

**BID ITEM LIST**  
**02-2C2254**

Item No.	Item Code	Item Description	Unit of Measure	Estimated Quantity	Unit Price	Item Total
1	070030	LEAD COMPLIANCE PLAN	LS	LUMP SUM	LUMP SUM	
2	120080	CONSTRUCTION AREA SIGNS	LS	LUMP SUM	LUMP SUM	
3	120100	TRAFFIC CONTROL SYSTEM	LS	LUMP SUM	LUMP SUM	
4	128652	PORTABLE CHANGEABLE MESSAGE SIGN (LS)	LS	LUMP SUM	LUMP SUM	
5	130100	JOB SITE MANAGEMENT	LS	LUMP SUM	LUMP SUM	
6	130300	PREPARE STORM WATER POLLUTION PREVENTION PLAN	LS	LUMP SUM	LUMP SUM	
7	130310	RAIN EVENT ACTION PLAN	EA	5	500.00	2,500.00
8	130320	STORM WATER SAMPLING AND ANALYSIS DAY	EA	3		
9	130330	STORM WATER ANNUAL REPORT	EA	1	2,000.00	2,000.00
10	025182	WATER QUALITY SAMPLING AND ANALYSIS DAY	EA	4		
11	025183	WATER QUALITY MONITORING REPORT	EA	2		
12	130640	TEMPORARY FIBER ROLL	LF	300		
13	130680	TEMPORARY SILT FENCE	LF	150		
14	130710	TEMPORARY CONSTRUCTION ENTRANCE	EA	2		
15	025184	TEMPORARY CLEAR WATER DIVERSION	LS	LUMP SUM	LUMP SUM	
16	130900	TEMPORARY CONCRETE WASHOUT	LS	LUMP SUM	LUMP SUM	
17	141000	TEMPORARY FENCE (TYPE ESA)	LF	1,100		
18	025185	BIRD DETERRENT	LS	LUMP SUM	LUMP SUM	
19	025188	IN-STREAM HABITAT ENHANCEMENT STRUCTURE	LS	LUMP SUM	LUMP SUM	
20	150310	RAPID SETTING CONCRETE (PATCH)	CF	11		

**BID ITEM LIST**  
**02-2C2254**

Item No.	Item Code	Item Description.	Unit of Measure	Estimated Quantity	Unit Price	Item Total
41	839541	TRANSITION RAILING (TYPE WB)	EA	4		
42	839584	ALTERNATIVE IN-LINE TERMINAL SYSTEM	EA	1		
43	839585	ALTERNATIVE FLARED TERMINAL SYSTEM	EA	3		
44	840560	THERMOPLASTIC TRAFFIC STRIPE (SPRAYABLE)	LF	860		
45	BLANK					
46	025262	FISH SALVAGE	LS	LUMP SUM	LUMP SUM	
47	999990	MOBILIZATION	LS	LUMP SUM	LUMP SUM	

**TOTAL BID:**

**\$**

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

P. 1

Feb 28 2013 09:23am

CALTRANS CONTR AWARDS Fax 916-227-6282

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
917757865136	Normal	28:09:22am	1'09"	9	# 0 K	

STATE OF CALIFORNIA - BUSINESS, TRANSPORTATION AND HOUSING AGENCY

CONTRACTS &amp; BUSINESS DEVELOPMENT

**DEPARTMENT OF TRANSPORTATION**

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER, MS 43

1723 30<sup>th</sup> STREET

P. O. BOX 188941

SACRAMENTO, CA 95816-8041

PHONE (916) 227-6280

FAX (916) 227-6282

TTY 711



*Flex your power!  
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February 27, 2013

Facsimile: (775) 786-5136

Lance Semanko, Senior Vice President  
Q & D Construction, Inc.  
P.O. Box 10865  
Reno, NV 89510

02-2C2254  
02-Tel-36-91.5  
B.O. 02/13/2013

Dear Mr. Semanko:

The Department of Transportation (Caltrans) received a bid submitted by Q & D Construction, Inc. (Q & D) for Contract No. 02-2C2254 on February 13, 2013. By this letter, Caltrans notifies Q & D that its bid is nonresponsive because Q & D failed to adhere to the revisions to the Bid book identified in Addendum No. 1.

The Addendum No. 1 form states in part, "...In the Bid book, in the "Bid Item List," Items 7 and 9 are revised, Items 46 and 47 are added and Item 45 is deleted. Replaces pages 3 and 5 of the "Bid Item List" in the Bid book with the attached revised pages 3 and 5 of the Bid Item List. The revised Bid Item List is to be used in the bid."

Although Q & D acknowledged Addendum No. 1, Q & D failed to replace page 5 of the Bid Item List in the Bid book causing an irregular bid.

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

Your attention is directed to Section 3-1.04 of the Amendments to the 2010 Standard Specifications. Caltrans is not obligated to offer an extension of the award period for a nonresponsive bid. Should you wish to extend your bid while resolving a nonresponsive finding, you must send your request to the Office Engineer no later than 4:00 p.m., two business days prior to the expiration of your bid.

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

Sincerely,

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

Attachments

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 30<sup>th</sup> 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!*

February 27, 2013

Facsimile: (925) 416-7746

Glenn Bugler, President  
Bugler Construction  
4847 Hopyard Road, Suite 4, #395  
Pleasanton, CA 94588

02-2C2254  
02-Teh-36-91.5  
B.O. 02/13/2013

Dear Mr. Bugler:

The Department of Transportation (Caltrans) received a bid submitted by Bugler Construction (Bugler) for Contract No. 02-2C2254 on February 13, 2013. By this letter, Caltrans notifies Bugler that its bid is nonresponsive because Bugler failed to adhere to the revisions of the Bid book identified in Addendum No. 1.

The Addendum No. 1 form states in part, "...In the Bid book, in the "Bid Item List," Items 7 and 9 are revised, Items 46 and 47 are added and Item 45 is deleted. Replace pages 3 and 5 of the "Bid Item List" in the Bid book with the attached revised pages 3 and 5 of the Bid Item List. The revised Bid Item List is to be used in the bid."

Although Bugler acknowledged Addendum No. 1, Bugler failed to replace pages 3 and 5 of the Bid Item List in the Bid book causing an irregular bid.

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

Your attention is directed to Section 3-1.04 of the Amendments to the 2010 Standard Specifications. Caltrans is not obligated to offer an extension of the award period for a nonresponsive bid. Should you wish to extend your bid while resolving a nonresponsive finding, you must send your request to the Office Engineer no later than 4:00 p.m., two business days prior to the expiration of your bid.

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

Attachments



**FAX TRANSMITTAL SHEET**

❖ ATTENTION: JOHN McMILLAN

❖ COMPANY: CALTRANS  
1727 30<sup>TH</sup> STREET MS-43  
SACRAMENTO, CA 95816

❖ FAX: (916) 227-6282

❖ DATE: 03.27.2013

NUMBER OF PAGES: 15  
(INCLUDING TRANSMITTAL)

❖ FROM: CHRIS BURKE  
GRANITE CONSTRUCTION COMPANY  
1900 GLENDALE AVE/P.O. BOX 2087  
SPARKS, NV 89432  
PHONE (775)358-8792  
FAX (775)358-0372

RE: CALTRANS CONTRACT # 03-1A7324

MESSAGE: PLEASE SEE ATTACHED - BID PROTEST RESPONSE

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_