

**A. TEICHERT & SON, INC.**

Established 1887

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November 20, 2014

VIA FACSIMILE (916) 227-6282 AND U.S. MAIL

John C. McMillan
Deputy Division Chief
Office Engineer
Division of Engineering Services
State of California
Department of Transportation (Caltrans)
1727 30th, Bidder Exchange, MS 43
Sacramento, CA 95816-8041

Subject: Contract No. 03-3F6704
03-ED-49-23.9/35.0
Bids Opened: 10/22/14
Bid Protest

Dear Mr. McMillan:

Please consider this letter a protest of the bid submitted by Martin Brothers Construction (Martin) on contract number 03-3F6704. The bid submitted by Martin is nonresponsive and must be rejected based on the Department's practices and applicable law.

Martin listed Central Striping Service, Inc. (Central) to perform "Striping", "Rumble Strip", "Mobilization - Partial" on the day of the bid. On its 24 Hour Subcontractor Listing, Martin added work to Central's Subcontractor List. Bid Items #52, "Thermoplastic Pavement Marking (Enhanced Wet Night Visibility)" and Bid Item #59 "Pavement Marker (Retroreflective)" are both items that are not considered "Striping" items and were therefore not included in the initial "Description of Portion of Work" submitted at time of Bid Opening as "Striping", "Rumble Strip", "Mobilization - Partial". These items were added on the 24 Hour Subcontractor List thus expanding the work to be performed by Central. The addition of Bid Items #52 and #59 in the 24 Hour Subcontractor List is inconsistent with the original Subcontractor List, is a material error, and renders the bid nonresponsive.

Additionally, Martin listed Construction Areas Signs, Inc. (CAS) to perform "Construction Area Signs", "Lane Separation System", "Markers", and "Delineators" on the day of the bid. On its 24 Hour Subcontractor Listing, Martin listed bid item #59 "Pavement Marker (Retroreflective)" with Central. This item was not included in CAS 24 Hour Subcontractor List thus reducing the work to be performed by CAS. The reduction of Bid Items #59 in the 24 Hour Subcontractor List is inconsistent with the original Subcontractor List, is a material error, and renders the bid nonresponsive.

This addition and subtraction of work creates a revised "Subcontractor List" and is in violation of the Subletting and Subcontracting Fair Practices Act of the Public Contract Code.

Martin's bid should be rejected as nonresponsive and the project should be awarded to Teichert Construction, the lowest responsive and responsible bidder.

Should you need any additional information, I can be reached at 916-645-4855.

Sincerely,



Eric Stannard
Director of Public Procurement