

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER

1727 30th Street MS- 43

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 15, 2013

Facsimile: (510) 784-0173

Ante Zovich Jr., Vice President
Zovich Construction
2485 Technology Drive
Hayward, CA 94545

04-014084
04-ALA-80-2.5
B.O. 1/16/13

Dear Mr. Zovich:

Zovich Construction (Zovich) submitted the low bid on Contract 04-014084 on January 16, 2013. By your letter dated January 22, 2013, Zovich requests relief from its bid.

Public Contract Code (PCC) Section 5101 et seq. permits the California Department of Transportation (Caltrans) to relieve a bidder of its bid because of a mistake. Caltrans concludes that the information provided by Zovich meets the requirements of PCC Sections 5101 and 5103. Accordingly, Caltrans relieves Zovich of its bid. However, pursuant to PCC Section 5105 Zovich is prohibited from further bidding on this contract.

If you have any questions please contact Earl Seaberg, Chief, Office of Contract Awards and Services at (916) 227-6280.

Sincerely,

A handwritten signature in cursive script that reads "John C. McMILLAN".

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

Attachments

Jan. 22. 2013 10:30PM

No. 6325 P. 1

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION

RELIEF OF BID REQUEST

DES-OE-0141 (REV 01/2010)

Contract No. 04-014084

Bidder's Name: Zovich & Sons, Inc

Bid Opening Date: Jan 16, 2013

License No. 287113

Requirements:

To be relieved of your bid you must demonstrate all of the following to the Department. You are not relieved of your bid until notified by the Department in writing.

- A mistake was made in your bid.
- You submitted written notice of the mistake to the Department within 5 business days of bid opening, specifying in detail how the mistake occurred.
- The mistake made the bid materially different than what you intended.
- The mistake was made in filling out the bid and not due to an error in judgement or to carelessness in inspecting the site of work or in reading the plans or specifications.

Instructions:

Attach a statement and supporting documentation that describes the following in detail:

1. The mistake in your bid and how it was made.
2. How the mistake made the bid materially different than intended.
3. How the mistake was made in filling out the bid
4. Sign the certification below.
5. Fax this completed form, the statement and supporting documentation to (916) 227-6282. Attention: Office Engineer.

Certification:

By my signature on this form, I certify, under penalty of perjury that the attached statement, including any supporting documents, are true and correct.

Date: Jan 22, 2013

 - Ante Zovich Jr.
 Signature of Bidder

Vice-President
 Title

Received
Jan. 22. 2013 10:30PM

Jan 22 2013 10:31pm

No. 6325 P. 2



2485 Technology Drive
Hayward, CA 94545
Phone: 510-784-1273
Fax: 510-784-0173

1/22/2013

To: Caltrans

Office Engineer

1727 30th Street

Sacramento, CA 95816

Re: Statement of Support for Bid Relief

Contract# 04-014084

Bid Date- January 16, 2013 @ 2:00PM

Attn: Office Engineer

Zovich & Sons, Inc., DBA Zovich Construction regrets to inform you that a substantial clerical error was made in our bid submission. We hereby submit the following statement and information in support of our request for relief of bid for contract #04-014084.

A clerical error was made in the filling out of bid list item number 86, "Building Work". The error was unknown until review of the posted Department of Transportation bid results summary online.

-The mistake in Bid & How it was made

The mistake in the bid was made in bid list item#86 "Building Work". The line item number was given to our bidder runner to be filled out as \$28,400,000. The bid runner in error, wrote in the number as \$2,840,000, leaving out one additional, very important zero. Similar errors were made on bid item#3 should have read \$3,000 for unit price and \$9,000 for lump sum. Bid item#'s 84 should have read 4,250 in the unit price line to equal the lump sum line item of \$8,500 that was listed. Bid Item#85 should have read \$716.67 in the unit price line to equal the lump sum item of \$2,150 that was listed.

-How the mistake made the bid materially different than intended

The error made in bid item#86 "Building Work" made the bid substantially different than intended due to the fact that if the correct intended amount had been filled in this item, the amount of item#86 would be \$28,400,000. The total of all bid items would have then matched the intended total bid amount of \$38,914,500.50 as shown on the total bid line item that was filled in. This is a substantial difference from the \$13,340,850.50 currently shown on the Caltrans Bid Summary Results Sheets which makes Zovich's bid materially different from what Zovich intended.

The other bid line items 9,84, & 85 had similar errors but the amounts were minimal in relation to the overall bid amount.

-How mistake was made in filling out the bid

The error in filling out the bid was made inadvertently by our bid runner due to the large amount of bid items that were being provided to them in a short period of time and not clearly hearing the numbers.

Sincerely,
Ante Zovich Jr.
Zovich & Sons, Inc.
DBA Zovich Construction

A handwritten signature in black ink, appearing to read "Ante Zovich Jr.", is written over the typed name and company information.

SFOBB Maintenance Complex				Bid Date: January 16, 2013 2:00pm		
Item	Item Co	Description of Item	Est Quantity	Unit Price	Total Amount	
1	70030	LEAD Compliance Plan	1	Lump	\$10,000.00	
2	74016	Construction Site Management	1	Lump	\$125,000.00	
3	25048	DeWatering and Non-Stormwater Discharge	1	Lump	\$100,000.00	
4	80050	Progress Schedule(critical path method)	1	Lump	\$30,000.00	
5	120090	Construction Area Signs	1	Lump	\$2,500.00	
6	120100	Traffic Control System	1	Lump	\$10,000.00	
7	120165	Channelizer(surface mounted)	110	\$70.00	\$7,700.00	
8	190300	Prepare Storm Water Pollution Prevention Pla	1	Lump	\$10,000.00	
9	130330	Storm Water Annual Report	3	\$3,000.00	\$9,000.00	
10	130530	Temporary Hydraulic Mulch(bonded fiber mat)	600	\$5.00	\$3,000.00	
11	130570	Temporary Cover	1000	\$8.00	\$8,000.00	
12	130620	Temporary Drainage Inlet Protection	5	\$500.00	\$2,500.00	
13	130640	Temporary Fiber Roll	8000	\$3.20	\$25,600.00	
14	130880	Temporary Silt Fence	2000	\$0.50	\$1,000.00	
15	130710	Temporary Construction Entrance	2	\$3,000.00	\$6,000.00	
16	130730	Steel Sweeping	1	Lump	\$50,000.00	
17	130900	Temporary Concrete Washout	1	Lump	\$10,000.00	
18	141001	Health & Safety Plan	1	Lump	\$15,000.00	
19	150204	Abandon Culvert(1)	20	\$35.00	\$700.00	
20	150221	Abandon Inlet	1	\$1,000.00	\$1,000.00	
21	150808	Remove Chainlink Fence	5740	\$2.50	\$14,350.00	
22	150620	Remove Gate	1	\$425.00	\$425.00	
23	150714	Remove Thermoplastic Traffic Stripe	140	\$4.50	\$630.00	
24	150715	Remove Thermoplastic Pavement Marking	25	\$10.00	\$250.00	
25	150742	Remove Roadside Sign	4	\$180.00	\$720.00	
26	25033	Remove Steel Pole	1	\$700.00	\$700.00	
27	25034	Remove Bollard	3	\$350.00	\$1,050.00	
28	25035	Remove High Mast Light Pole	2	\$3,100.00	\$6,200.00	
29	25038	Remove High Mast Light Pole Foundation	4	\$2,250.00	\$9,000.00	
30	24037	Remove Water Valve	4	\$850.00	\$3,400.00	
31	150860	Remove Base & Surfacing	8800	\$16.00	\$140,800.00	
32	152320	Reset Roadside Sign	1	\$265.00	\$265.00	
33	152380	Relocate Roadway Sign	3	\$270.00	\$810.00	
34	25049	Vibration Monitoring	1	Lump	\$25,000.00	
35	25050	Sewer Video Survey	1	Lump	\$25,000.00	
36	153121	Remove Concrete(cy)	30	\$39.00	\$1,170.00	
37	180102	Cleaning & Grubbing(is)	1	\$200,000.00	\$200,000.00	
38	25036	Roadway Excavation(class 2)	8080	\$81.00	\$654,480.00	
39	25039	Roadway Excavation(type H)	18910	\$172.00	\$3,252,520.00	
40	198011	Imported Borrow(ton)	17800	\$8.00	\$142,400.00	
41	25040	Lightweight Cellular Concrete	1140	\$82.00	\$93,480.00	
42	200001	Highway Planting	1	Lump	\$150,000.00	
43	204089	Plant Establishment Work	1	Lump	\$31,000.00	
44	208000	Irrigation System	1	Lump	\$258,000.00	
45	208301	Irrigation Controller Enclosure Cabinet	1	\$2,500.00	\$2,500.00	
46	208310	Irrigation Sleeve	87	\$8.50	\$739.50	
47	25041	6" Corrugated High Dens. Polyethylene Pipe	770	\$13.00	\$10,010.00	
48	208739	10" Corrugated High Dens. Polyethylene Pipe	280	\$13.00	\$3,640.00	
49	210110	Imported TopSoil(cy)	7710	\$58.50	\$450,615.00	
50	280300	Class J Aggregate Base(cy)	4830	\$38.50	\$185,745.00	
51	390132	Hot Mix Asphalt(type A)	17100	\$88.50	\$1,504,350.00	
52	393004	Geosynthetic Pavement Interlayer(pavement)	2710	\$35.00	\$94,850.00	
53	394050	Rumble Strip	4.4	\$100.00	\$440.00	
54	394076	Place Hot Mix Asphalt Dike(type E)	150	\$41.00	\$6,150.00	
55	395000	Liquid Asphalt(prime coat)	87	\$1,177.00	\$101,389.00	
56	44121	Drive Pile(class 140 Alternative X)	8	\$2,675.00	\$21,400.00	
57	44122	Drive Pile(class 90 Alternative X)	308	\$2,875.00	\$885,400.00	
58	44123	Drive Indicator Pile(class 90 Alternative X)	6	\$6,500.00	\$39,000.00	
59	44124	Furnish Indicator Piling(class 90 Alternative X)	898	\$15.00	\$13,470.00	
60	44125	Furnish Piling(class 140 Alternative X)	828	\$15.00	\$12,420.00	
61	44126	Furnish Piling(class 90 Alternative X)	38550	\$16.00	\$616,800.00	
62	610502	Minor Concrete(minor structures)	33	\$900.00	\$29,700.00	
63	500248	Furnish Single Sheet Alum. Sign(0.063" untra	81	\$27.00	\$2,187.00	
64	588011	Roadside Sign- One Post	18	\$190.00	\$3,420.00	
65	820080	12" Alternative Pipe Culvert	1250	\$60.00	\$75,000.00	
66	820100	18" Alternative Pipe Culvert	820	\$77.50	\$63,550.00	
67	820140	24" Alternative Pipe Culvert	520	\$92.00	\$47,840.00	
68	700817	Drainage Inlet Marker	5	\$30.00	\$150.00	
69	721410	Concrete(gutter lining)	120	\$310.00	\$37,200.00	
70	730020	Minor Concrete(curb cy)	170	\$585.00	\$99,450.00	
71	735000	Parking Bumper(precast concrete)	87	\$75.00	\$6,525.00	
72	750001	Misc. Iron & Steel	5370	\$2.00	\$10,740.00	
73	800103	Temporary Fence(type CL6)	2320	\$8.00	\$18,560.00	

74	B00360	Chain Link Fence(type CL-6)	lf	38	\$64.00	\$2,496.00
75	25042	Security Metal Fence	lf	4390	\$59.00	\$259,010.00
76	25043	18' Security Metal Sliding Gate	ea	2	\$11,000.00	\$22,000.00
77	25044	35' Security Metal Sliding Gate	ea	1	\$40,000.00	\$40,000.00
78	25045	3' Security Metal Swing Gate	ea	1	\$20,000.00	\$20,000.00
79	840504	4" Thermoplastic Traffic Stripe	li	7600	\$1.90	\$14,440.00
80	840515	Thermoplastic Pavement Marking	sqft	200	\$18.00	\$4,180.00
81	850111	Pavement Marker(retroreflective)	ea	67	\$4.00	\$268.00
82	25051	Electrical Duct Bank & Conduit Layout	ls	Lump	Lump	\$755,000.00
83	860707	Electrical Service(irrigation)	ls	Lump	Lump	\$8,000.00
84	25048	Remove PullBox	ea	2	\$0.00	\$8,500.00
85	25047	Remove Electrical Cabinet	ea	3	\$0.00	\$2,160.00
86	894850	Building Work	ls	Lump	Lump	\$28,400,000.00
TOTAL BID AMOUNT						\$38,914,500.50

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

P.1
CALTRANS CONTR AWARDS Fax 916-227-6282

Feb 15 2013 02:59pm

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
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STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

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DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER
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Sincerely,

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

Attachments