



October 30, 2014

**John McMillan, Deputy Division Chief
State of California Department of Transportation
Division of Engineering Services
Office Engineer, MS 43
1727 30th Street
Sacramento, CA
95816-8041**

Subject: Bid Protest

RE: Contract 04-041004, San Mateo-Hayward Bridge, Bid Date 9-9-14

Dear Mr. McMillan,

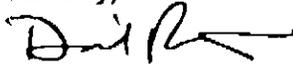
Golden State Bridge protests the award of the above referenced project to Myers and Sons/ ACC Joint Venture (MS/ACC). This protest is based on the violation of the "Subletting and Subcontracting Fair Practices Act" and prior determination by Caltrans regarding working days bid.

On the day of the bid, MS/ACC listed Safety Striping Service for "Striping & Markers" and Roadway Engineering Works for "Electrical". The quotations provided by both of these subcontractors were included in the post bid documentation provided by MS/ACC and posted to the Caltrans Post Bid Documents webpage. The quotes provided by both of these firms included bid items and totals greater than those committed by MS/ACC. For example, Roadway Engineering quoted Bid Item 63 Mobilization for the lump sum amount of \$399,000, but MS/ACC did not list this bid item on the post bid subcontractor listing. Also, Safety Striping Service quoted Bid Item 1 Lead Compliance Plan, Bid Item 6 Traffic Control (Partial), and Bid Item 61 Mobilization (Partial)(obvious bid item number error) in the amounts of \$1,500, \$41,000, and \$9,000 respectively. By MS/ACC omitting these bid items it opens the door for MS/ACC to leverage these subcontractors into negotiating revised subcontract prices after the project is awarded, essentially "shopping" the listed subcontractor's quotes. This is the exact reason the subcontractor listing law was enacted, to protect subcontractors from having their quotations renegotiated after the project is awarded. Supplemental to the above, Caltrans has determined that CC Myers is not responsive based on CC Myers changing the scope and percentage of work to be performed by a subcontractor, which is exactly what MS/ACC has done and the amounts MS/ACC has omitted are a significant percentage (not minor irregularities) of the amounts provide for the whole scope of work provided by the subcontractors. **Facts:** Roadway Engineering's total quote (as provide by MS/ACC) was \$4,099,997 and MS/ACC only listed bid items totaling \$3,700,997 or 90% of the electrical package quoted and MS/ACC did not list Roadway Engineering as "partial". MS/ACC did the same for Safety Striping Service, its' quote total was \$240,926, but MS/ACC only listed bid items totaling \$189,426 or 79% of the striping package quoted and MS/ACC did not list Safety Striping as "partial". These facts are the same basis for Caltrans determining that CC Myers bid is non-responsive, changing the scope and percentage of work to be performed after the bids are submitted. Based on these facts, the bid of MS/ACC should be considered equally non-responsive.

In addition to the violation of the "Subletting and Subcontracting Fair Practices Act", MS/ACC bid 100 working days to complete the work. The documentation provided by MS/ACC for Roadway Engineering clearly states 140 working days for their firm to complete its work. If Roadway is going to take 140 working days to complete its work, how can MS/ACC complete the project in 100 working days? Based on this fact, MS/ACC bid should be declared non-responsive. Please refer to the attached determination by Caltrans on September 11, 2014 on Contract 04-4A8104, bid August 5, 2014.

Myers and Sons/ACC has grossly violated the "Subletting and Subcontracting Fair Practices Act" and should not be awarded this project. Considering that Caltrans has already declared the CC Myers bid to be non-responsive, the only responsible bidder is Golden State Bridge and as such, Golden State bridge should be awarded this project.

Sincerely,



David Riccitiello
President, Golden State Bridge, Inc.

STATE OF CALIFORNIA - CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
 OFFICE ENGINEER
 P.O. BOX 168041, MS-43
 SACRAMENTO, CA 95816-8041
 PHONE (916) 227-6299
 FAX (916) 227-6282
 TTY 711
 www.dot.ca.gov



*Serious drought.
 Help save water!*

September 11, 2014

Facsimile: (415) 454-8376

Thomas G. Barr, Vice-President of Estimating
 Ghilotti Brothers, Inc.
 525 Jacoby Street
 San Rafael, CA 94901

04-4A8104
 04-Ala-880-R32.8/R34.0
 B.O. 08/05/2014

Dear Mr. Barr:

The Department of Transportation (Caltrans) received a bid submitted by Ghilotti Brothers, Inc. (Ghilotti) for Contract # 04-4A8104 on August 5, 2014. Caltrans notifies Ghilotti that its bid has been rejected as nonresponsive for the reasons set forth below.

This is an A + B Contract wherein Ghilotti proposed a "B" amount of 30 days. However, in the quote from the DBE contractor RMT Landscape Contractors, Inc., it is stated that the quoted work would be completed within 60 days. Caltrans received a protest from Gallagher & Burk on this issue at which time Caltrans contacted Ghilotti regarding this discrepancy. Ghilotti responded and informed Caltrans that it had made a mistake in its calculation of the "B" portion of the bid.

Caltrans has therefore determined that the bid submitted by Ghilotti is nonresponsive and Caltrans will proceed to award this contract to lowest responsive and responsible bidder, provided that all requirements have been met.

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

cc: Gallagher & Burk

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

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

Sep 11 2014 04:24pm

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STATE OF CALIFORNIA - CALIFORNIA HIGHWAY TRANSPORTATION AGENCY

RECEIVED BY: [unclear]

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER
 P.O. BOX 168941, MS-43
 SACRAMENTO, CA 95816-8041
 PHONE (916) 227-6289
 FAX (916) 227-6287
 TTY 711
 www.dot.ca.gov



*Let's go through.
Help save water!*

September 11, 2014

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 Office Engineer
 Division of Engineering Services

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