



General Engineering Contractors – Excavating, Paving, Grading, Concrete

525 JACOBY STREET • SAN RAFAEL, CA 94901 • TELEPHONE (415) 454-7011 • FAX (415)

STATE CONTRACTORS LICENSE # 132128

April 5, 2013

Mr. Earl Seaberg
MSC 43
Office Engineer Contracts Award Branch Chief
California Department of Transportation
1727 30th Street
Sacramento, Ca 95816-7005

Attn: Earl Seaberg, Deputy Division Chief

Re: Route 80, Vacaville from 0.2 Mile West of Alamo Creek Bridget to 0.2 Mile East of Alamo Creek Bridge
Solano County, Location 04-Son-80-R24.8/25.2
Caltrans Contract No. 04-0A0904
Protest of Bid Submitted by Gordon N. Ball, Inc.

Dear Mr. Seaberg:

Please consider this letter to be a formal protest of the bid submitted by Gordon N. Ball, Inc. (GNB) in connection with Contract No. 04-0A0904. GNB's bid is nonresponsive and therefore must be rejected based on the Department's bidding requirements and strictly-enforced policies.

The Subcontractor List form states in part, "... Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916) 227-6282 within 24 hours after the bid opening. Failure to provide complete information in columns 1 through 4 within the time specified will result in a nonresponsive bid." *No other revisions to the form are permitted.*

In violation of this express requirement of the bid documents, GNB revised its Subcontractor List form by adding subcontracted work that was not listed on their submitted bid form. Schotka from American Canyon was originally listed by GNB to perform the Roadway Signs work, but bid item 57 Furnish Polyester Concrete Overlay and 58 Place Polyester Concrete Overlay work were added on the 24 hour Subcontractor List submitted by GNB via fax after the bid. Furthermore, PC&N from Byron was originally listed by GNB to perform the MBGR (Metal Beam Guard Rail) work, but bid item 75 Cable Railing work was added on the 24 hour Subcontractor List submitted by GNB via fax after the bid.

Caltrans has been consistent in its requirement that bid item work listed under Column 2 must fall under the category and/or be a component of work listed under Column 4. Additional scopes of work cannot be added on the revised bid list and any deviation from that will lead Caltrans to find a bid to be nonresponsive.

Bid item 64 and 65 Roadway Sign work for which Schotka was listed in GNB's bid is covered under sections 10-1.51 and 10-1.52 of the Special Provisions and bid items 57 and 58 Polyester Concrete work is covered under an unrelated section 10-1.48. The signs are to be installed



General Engineering Contractors – Excavating, Paving, Grading, Concrete

525 JACOBY STREET • SAN RAFAEL, CA 94901 • TELEPHONE (415) 454-7011 • FAX (415)

STATE CONTRACTORS LICENSE # 132128

at the side of the road and the polyester concrete work consists of overlaying an existing concrete surface. Bid item 57 and 58 Polyester Concrete work does not fall under the category and is in no way a component of Roadway Signs. Since Schotka was originally subcontracted to perform Roadway Sign work, but bid items 57 Furnish Polyester Concrete Overlay and 58 Place Polyester Concrete Overlay were added on the revised bid list submitted by GNB after the bid, Caltrans must find their bid to be nonresponsive.

Bid items 72-76 MBGR work for which PC&N was listed in GNB's bid is covered under sections 10-1.60 of the Special Provisions and bid item 75 Cable Railing work is covered under an unrelated section 10-1.61. The MBGR will be installed into existing ground and the cable railing will be installed on top of the new 60C concrete barrier. Bid item 75 cable railing work may be considered a component of the 60C concrete barrier work under this contract but not the MBGR work. It does not fall under the MBGR category. This is further demonstrated in the bid submitted by our firm which recognized this and listed PC&N for Cable Railing / MBGR in accordance with Caltrans' strictly enforced requirements and policies. Since PC&N was originally subcontracted to perform MBGR work, but bid items 75 Cable Railing was added on the revised bid list submitted by GNB after the bid, Caltrans must find their bid to be nonresponsive.

Caltrans has consistently found bidders to be non-responsive for Subcontractor List revisions similar to those made by GNB in its bid submitted for this project. Caltrans Contracts 10-0A8404, 10-0A8724, 04-3A23U4 and 04-153204 are a few examples of similar determinations (see attached). The Department owes a duty to enforce its bid requirements in a fair and uniform manner. Accordingly, because GNB has violated the Department's longstanding bid requirements by seeking to change its subcontractor listings after bids were opened, GNB's bid must be rejected as nonresponsive.

We therefore respectfully request that the Department uphold Ghilotti Bros., Inc.'s bid protest and award the contract to our company, which submitted the lowest responsive bid for Contract No. 04-0A0904.

Thank you for your attention to this matter and please feel free to contact me if you have any questions.

Very truly yours,

A handwritten signature in black ink that reads "Thomas G. Barr". The signature is written in a cursive, flowing style.

Thomas G. Barr
Vice President Estimating

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

~~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 30th STREET
 P. O. BOX 168041
 SACRAMENTO, CA 95816-8041
 PHONE (916) 227-6300
 FAX (916) 227-6282
 TTY 711



*Flex your power!
 Be energy efficient!*

January 17, 2012

Facsimile: (925) 687-2122

Benjamin L. Rodriguez Jr., President
 Bay Cities Paving and Grading, Inc.
 P.O. Box 6227
 Concord, CA 94520

10-0A8404
 10-Sac,SJ,Sol-5, 12-Var
 B.O. 12/7/11

Dear Mr. Rodriguez:

The Department received the attached revised "Subcontractor List" on December 7, 2011, for Contract No. 10-0A8404 from Bay Cities Paving and Grading, Inc. (Bay Cities). In the revised list Bay Cities included bid items 20, 24, 28, 34, 35, 37, 38, 68 - 71, 74, 75, 89, and 90 to column 2 for Farwest of Lodi which does not match up with the description in column 4. This letter is to inform you that the Department cannot accept the revised "Subcontractor List" as it would violate the Subletting and Subcontracting Fair Practices Act of the Public Contract Code. The subcontractor list originally submitted by Bay Cities with its bid on December 7, 2011 will be used.

The Subcontractor List form states in part, "Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916) 227-6282 within 24 hours after the bid opening. Failure to provide complete information in columns 1 through 4 within the time specified will result in a nonresponsive bid." No other revisions to the form are permitted. Bay Cities added bid item numbers listed in column 2 which don't match up with the description in column 4 for Farwest of Lodi.

Based on the above, the Department finds your bid is nonresponsive. The Department will proceed to award the contract to the lowest responsible bidder provided all requirements are met.

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

Sincerely,

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

Attachment

c: Desilva Gates Construction
 P.O. Box 2909
 Dublin, CA 94568
 Fax (925) 803-4263

~~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 30th STREET
 P. O. BOX 168041
 SACRAMENTO, CA 95816-8041
 PHONE (916) 227-6300
 FAX (916) 227-6282
 TTY 711



*Flex your power!
 Be energy efficient!*

June 5, 2012

Facsimile: (209) 523-4927

Ed Berlier, Vice President
 George Reed, Inc.
 P. O. Box 4760
 Modesto, CA 95352

10-0A8724
 10-Sta-219,108-3.4/7.9,44.3/44.9
 B.O. 5/1/12

Dear Mr. Berlier:

George Reed, Inc. (George Reed) submitted a bid on contract 10-0A8724 on May 1, 2012. By this letter, the California Department of Transportation (Caltrans) notifies George Reed that its bid is nonresponsive because it listed Farwest Safety, Inc. to perform bid item 24 (Temporary Crash Cushion Module) and bid item 56 (Remove Crash Cushion Module) on its 24 hour subcontractor list submittal.

George Reed's original submittal lists Farwest Safety, Inc. to do sign work. Bid items 24 and 56 are not considered sign work.

Based on the above, Caltrans finds your bid is nonresponsive and will award the contract to the lowest responsible bidder.

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

Sincerely,


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

Attachment

c: Bay Cities Paving & Grading, Inc.
 P. O. Box 6227
 Concord, CA 94524-1227
 Fax: (926) 687-2122

~~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 30th 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!*

August 23, 2012

Facsimile: (510) 526-0990

Greg Souder, Secretary
O.C. Jones and Sons, Inc.
1520 Fourth Street
Berkeley, CA 94710

04-3A23U4
04-Son-101-25.6/29.2
B.O. 8/8/12

Dear Mr. Souder:

O.C. Jones and Sons, Inc. (O.C. Jones) submitted a bid for contract 04-3A23U4 on August 8, 2012. By this letter, the Department of Transportation (Caltrans) notifies O.C. Jones that its bid is nonresponsive because it failed to properly submit the Subcontractor List.

The Subcontractor List form states in part, "...Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916) 227-6282 within 24 hours after the bid opening. Failure to provide complete information in columns 1 through 4 within the time specified will result in a nonresponsive bid." No other revisions to the form are permitted.

Since Myers and Sons were originally subcontracted to perform Bridge Structures, but bid item 127 Structural Concrete Retaining Wall and bid item 128 Structural Concrete Sound Wall were added on the revised bid list received on August 9, 2012, Caltrans finds your bid is nonresponsive. Caltrans will proceed to award the contract to the lowest responsible bidder provided all requirements are met.

Your attention is directed to Section 3-1.02 of the Amendments to the 2006 Standard Specifications. Caltrans is not obligated to offer an extension of the award period for a nonresponsive bid. Should you wish to offer to extend your bid while resolving a nonresponsive finding you must send your request to the Office Engineer no later than 4:00 pm two business days prior to the expiration of your bid.

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 30th 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!*

November 2, 2012

Facsimile: (408) 365-9548

Rodney Jenny, Vice President
Pavex Construction Division
120 Granite Rock Way
San Jose, CA 95136

04-153204
04-Ala,SCI-680-0.0/0.1,
0.1/9.9
B.O. 10/2/12

Dear Mr. Jenny:

Pavex Construction Division (Pavex Construction) submitted a bid for contract 04-153204 on October 2, 2012. By this letter, the Department of Transportation (Caltrans) notifies Pavex Construction that its bid is nonresponsive because it failed to properly submit the Subcontractor List.

The Subcontractor List form states in part,..."Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916) 227-6282 within 24 hours after the bid opening. Failure to provide complete information in columns 1 through 4 within the time specified will result in a nonresponsive bid." No other revisions to the form are permitted.

Since Statewide Traffic Safety Signs was originally subcontracted to perform Construction Area Signs, but roadway signs were added to the revised bid list received on October 3, 2012, Caltrans finds your bid is nonresponsive. Caltrans will proceed to award the contract to the lowest responsible bidder provided all requirements are met.

Your attention is directed to Section 3-1.02 of the Amendments to the 2006 Standard Specifications. Caltrans is not obligated to offer an extension of the award period for a nonresponsive bid. Should you wish to offer to extend your bid while resolving a nonresponsive finding you must send your request to the Office Engineer no later than 4:00 pm two business days prior to the expiration of your bid.

If you have any questions, please contact David Neumann, Contract Awards Senior, at (916) 227-6285.

Sincerely,

JOHN C. McMILLAN

Deputy Division Chief

Office Engineer

Division of Engineering Services

Attachment