DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 30th STREET
P. O. BOX 168041
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6299
FAX (916) 227-6282
TTY 711

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March 19, 2014

04-0A5344
04-Sol-12,80-2.1/2.8,12.0/13.1
BO: 11/20/13

Richard B. Gates, President
DeSilva Gates-Viking Joint Venture
11555 Dublin Boulevard
Dublin, CA 94566-2909

Facsimile: (925) 803-4263

Eric Stannard
Teichert/RNR , Joint Venture
2427 County Road 100A
Davis, CA 95616

Facsimile: (530) 406-4299

Thomas Smith, Estimating Manager
Ghilotti Construction Company
246 Ghilotti Avenue
Santa Rosa, CA 95407

Facsimile (707) 585-1601

Dear Contractors:

Attached for your information is the Department's response to the bid protest on the above stated contract. The signed letter and all attachments will be mailed via GSO overnight.

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

Sincerely,

for

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

Attachment

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Thomas Smith, Estimating Manager
Ghilotti Construction Company
246 Ghilotti Avenue
Santa Rosa, CA 95407

Facsimile (707) 585-1601

Dear Contractors:

The Department of Transportation (Caltrans) received a bid from DeSilva Gates-Viking Joint Venture (DGC-V) for project 04-0A5344 on November 20, 2013, at which time, DGC-V was the apparent low bidder. The Department received protests from Ghilotti Construction (Ghilotti) and Teichert/RNR Joint Venture (Teichert). The protest from Ghilotti alleges that the contractor bid a low unit price for Imported Borrow, as a result of an overstated quantity, an error on behalf of the engineers. Ghilotti requests that Caltrans reject all bids. The protest from Teichert alleges that the low bidder failed to include appropriate costs based on the specification payment clause for this item. Teichert further concludes that, even with an alleged no-cost source of import borrow, on-site and project specific costs are still unaccounted for in the unbalanced item. Teichert also argues that, DGC-V unbalanced their bid for three primary reasons, to capitalize on the cost and profit dollars for work not performed thereby turning these dollars into profit, front end loading the estimate to ensure positive cash flow through advance payments on work that has not yet and indeed may never be performed, and finally to ensure the lowest possible apparent bid total for comparison on bid day.

With respect to the protest by Ghilotti, the District contacted the Consultant design team to confirm whether the earthwork calculations were accurate and did not have any mathematical calculation errors. The designer verified the earthwork quantities by each stage and verified that there is not an error in the Imported Borrow quantities. The District also reviewed the Engineer's Estimate and Caltrans is confident that the quantities are complete and accurate. Therefore, Caltrans denies Ghilotti's protest and its request that Caltrans reject all bids.

With regard to the protest filed by Teichert, Code of Federal Regulations, Title 23, Part 635.102 defines a mathematically unbalanced bid as a bid containing lump sum or unit bid items which do not reflect reasonable actual costs plus a reasonable proportionate share of the bidder's anticipated profit, overhead costs, and other indirect costs. Similarly, a materially unbalanced bid is a bid that generates a reasonable doubt that award to the bidder submitting a mathematically unbalanced bid will result in the lowest ultimate cost to the Federal Government, or in this case, the State.

The District Engineers reviewed the Engineer's Estimate with respect to Teichert's claim that the bid was unbalanced for having a nominal bid price for Item #79, "Imported Borrow". As stated above, the earthwork quantities were verified both by the consultant design team as well as the Engineer's Estimate. The District also reviewed the low bidders estimate and found that item 79, Imported Borrow was bid particularly low by all 4 low bidders. The average bid was $1.25/CY and the Engineer's estimate was $6.00/CY. In its December 20, 2013 response to Teichert's protest, DGC-V stated that their Imported Borrow is at a free cost to them. Additionally, when reviewing the table of bid items alleged to be unbalanced by Teichert, while it appears that Item #79 is low, it is not obvious that the money was put into other high bid items, i.e. that there are other items that are at a substantially higher cost to offset the substantially lower cost of the Imported Borrow. There only appears to be one low bid item but no mathematical rebalancing being done using other items. Therefore, Caltrans has determined that the bid submitted by DGC-V is not mathematically or materially unbalanced.

As you are aware, Caltrans evaluates each bid to determine whether a bid meets the requirements of both the State/Federal contract approval process. In this case, Caltrans has determined that there is no evidence that DGC-V's bid generates a reasonable doubt that by awarding the contract to DGC-V would not result in the lowest ultimate cost to the state, nor is there a risk that the Department would have to pay unreasonably high prices for contract performance.

Based on the above, Caltrans will proceed to award this contract to the lowest responsible and responsive bidder.

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

Attachment

** Transmit Conf.Report **

P.1 Mar 19 2014 04:22pm
CALTRANS CONTR AWARDS Fax 916-227-6282

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
919258034263	Normal	19:04:21pm	0'33"	3	# 0 K	

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
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March 19, 2014

04-0A5344
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BO: 11/20/13

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

Sincerely,

for

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

Attachment

** Transmit Conf.Report **

P.1 Mar 19 2014 04:24pm
CALTRANS CONTR AWARDS Fax 916-227-6282

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
915304064299	Normal	19:04:24pm	0'35"	3	# 0 K	

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
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March 19, 2014

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246 Ghilotti Avenue
Santa Rosa, CA 95407

Facsimile (707) 585-1601

Dear Contractors:

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

Sincerely,

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

Attachment

** Transmit Conf.Report **

P.1 Mar 19 2014 04:26pm
CALTRANS CONTR AWARDS Fax 916-227-6282

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
917075851601	Normal	19:04:25pm	0'46"	3	# 0 K	

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
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March 19, 2014

04-0A5344
04-Sol-12,80-2.1/2.8,12.0/13.1
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Thomas Smith, Estimating Manager
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246 Ghilotti Avenue
Santa Rosa, CA 95407

Facsimile (707) 585-1601

Dear Contractors:

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

Sincerely,

for

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

Attachment

24207 County Road 100A
Davis, CA 95616
(530) 406-4200 - FAX (530) 406-4299

Teichert / RNR, a Joint Venture

VIA FACSIMILE (916) 227-6282

December 27, 2013

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. 04-0A5344
04-SOL-80-11.3/12.9
04-SOL-12-2.5/2.6
Federal-Aid Project: ACNHP-X095(025)N
Bids Opened: November 20, 2013

RE: **Email Correspondence submitted by Ghilotti Construction Company, and Bid Protest of Teichert/RNR, a Joint Venture to Award of Contract to Desilva Gates – Viking, a Joint Venture**

Dear Mr. McMillan:

Teichert / RNR, a Joint Venture ("Teichert / RNR") has reviewed the dual email correspondence submitted by Ghilotti Construction Company ("Ghilotti"), and posted to Caltrans' Post-Bid Files for Opened Contracts internet website for Contract No. 04-0A5344. Ghilotti, as part of a joint venture, is the apparent 4th lowest bidder on Contract No. 04-0A5344 ("project").

Teichert / RNR, a Joint Venture ("Teichert / RNR") has also reviewed the dual correspondence submitted by DeSilva Gates / Viking, a JV ("DSG-V"), and posted on December 20 to Caltrans' Post-Bid Files for Opened Contracts internet website for Contract No. 04-0A5344. DSG-V is the apparent low bidder on Contract No. 04-0A5344 ("project").

From the information freely disclosed by both Ghilotti and DSG-V, the final quantity of item 79 Imported Borrow will underrun. The extent of the underrun is a matter of complex quantity calculations, proprietary risk development of each bidder and risk to the State. It is necessary to note DSG-V is the only bidder which both mathematically and materially unbalanced this project item. The mathematical extent of the unbalancing is undisputable by the unit. The material unbalancing is also undisputed based on any reasonable value of the item in comparison with the differences between total bids.

The extent of the DSG-V mathematical and material unbalancing, due to a probable significant underrun, which DSG-V has settled the risk entirely and exclusively onto the State would cause uncertain financial outcome if contract is awarded to the apparent low bid.

DSG-V has submitted a bid the State cannot respond to or determine to be responsive because the State would enter into a compromised arrangement and would not pay for contract mandated fair expenses or indeed receive its fair contract governed adjustments or savings on this measured item from now anticipated underruns. The State would also be excluded from its fair and legal share of changes (which always occur on such large measured items) from actual subsistence or actual grading factors as well as any possible cost-reduction savings proposed by any party on this project's crucial item.

Referencing Ghilotti's statement alleging a "broken" contract due to quantity inaccuracies on the bidding plans, Ghilotti failed to draw the attention of the issue prior to bid as is required by Regulations and customary practice of experienced bidders. Contrary to the statements of Ghilotti, the contract is not "broken" due to a quantity variation from bid quantities. In fact and more correctly, a contract would become "broken" by the bid of the apparent low bidder, DSG-V because of the actual and extent of the mathematical and material unbalancing of DSG-V on item 79.

Teichert / RNR submitted a letter to Caltrans on December 5th, 2013 protesting award of the contract to DGC-V. Without repeating the substance of Teichert / RNR's letter, Teichert / RNR explained in detail how DGC-V failed to comply with governing regulations and Caltrans specifications when it submitted a materially unbalanced bid. Included with Teichert / R N R's December 5th letter, are copies of Caltrans letters providing appropriate recent precedence for finding non-responsive materially unbalanced bids, exactly such as DSG-V's bid.

It is important to expand and note that in its response of December 2, DSG-V represented a list of State awarded contracts where mathematically unbalanced bid items were present. All these contracts were not subject to protests of the unbalanced item. In addition, the units of the mathematically unbalanced bid items were, in greater part, similarly represented by bidders.

Importantly also, in this particular case, DSG-V failed to include appropriate costs for the Import Borrow because based on the specification payment clause of this item, even with an alleged "no-cost" source of import borrow, on-site and project specific costs are still unaccounted for in the unbalanced item as bid by DSG-V. The attempt to disguise the evident mathematical and material unbalancing with a "no-cost" import source is dubious and unverifiable by the State, and probably false based on total bid amount.

Case in point is that DSG-V claimed in its DBE filing participation for "West Coast Water Truck" for this bid item which exceed the revenue on the item several folds.

Even more troubling for the State is the placement, stockpiling or relocation of borrow material due to on-site phasing of even "free" import borrow. This on-site scope for the item is mathematically and materially improperly accounted for in DSG-V's unit bid for this item.

In conclusion, based on governing regulations, specifications, and the information presented in Teichert / RNR's letter of December 5, 2013, the bid of DSG-V must be rejected as nonresponsive along with its bid being mathematically and materially unbalanced. Therefore, we respectfully and formally request that the State uphold and validate Teichert / RNR's bid protest and award the contract to our Joint Venture, which submitted the lowest most responsive and responsible bid for Contract 04-0A5344.

Should you have any questions or need additional information with respect to any aspect of Teichert / RNR's bid protest, please do not hesitate to contact me at (916) 645-4855.

Sincerely,
Teichert / RNR, a Joint Venture

Eric Stannard
Director of Public Procurement of Teichert Construction and Representative of the Joint Venture

eb

cc: R. Garner, A. Catellier - RNR Construction
T. Griffith, J. Thomassen, R. Czuleger, J. Theriault - Teichert Construction
Bid file 13-037

TEICHERT CONSTRUCTION

Woodland District
24207 County Road 100A
Davis, CA 95616-9410
P.O. Box 1890
Davis, CA 95617-1890
(530) 406-4229
Fax: (530) 406-4299

FAX COVER SHEET

TO: Office Engineer

COMPANY: State of California-Dept. of Transportation

FAX NUMBER: (916) 227-6282

PHONE NUMBER: N/A

FROM: Eric Stannard
Director of Public Procurement

DATE: December 27, 2013

PAGES: 4 including Cover Sheet

RE: Contract No. 04-0A5344
04-Sol-80
Bids Opened: November 20, 2013

24207 County Road 100A
Davis, CA 95616
(530) 406-4200 - FAX (530) 406-4299

Teichert / RNR, a Joint Venture

VIA FACSIMILE (916) 227-6282 AND HAND-DELIVERY ON December 5, 2013

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. 04-0A5344
04-SOL-80-11.3/12.9
04-SOL-12-2.5/2.6
Federal-Aid Project: ACNHP-X095(025)N
Bids Opened: November 20, 2013

RE: **Bid Protest of Teichert/RNR, a Joint Venture to Award of Contract to Desilva Gates – Viking, a Joint Venture of Desilva Gates Construction LP and Viking Construction Company, Inc.**

Dear Mr. McMillan:

Please consider this letter to be a formal protest of the bid submitted by Desilva Gates – Viking, a Joint Venture of Desilva Gates Construction LP and Viking Construction Company, Inc. ("DGC-V"), the apparent low bidder, in connection with Contract No. 04-0A5344 ("Project"). Teichert / RNR, a Joint Venture ("Teichert / RNR") is presently the Second (2nd) lowest bidder on the project. The bid turned in by DGC-V is nonresponsive and therefore must be rejected based on the State's bidding requirements, strictly enforced policies, and governing applicable Federal Regulations. DGC-V failed to comply with these requirements in at least six ways:

1. <u>Desilva Gates – Viking, a Joint Venture's bid is Mathematically Unbalanced</u>

The State received a total of seven bid proposals and upon review of the bid unit prices from the Final Bid Summaries (provided on the Caltrans website), it is clear that DGC-V has submitted a mathematically unbalanced bid proposal. Title 23 of the Code of Federal regulations, Section 635.102 provides that a bid is mathematically unbalanced if the bid contains "lump sum or *unit bid items* which do not reflect reasonable cost plus a reasonable proportionate share of the bidder's anticipated profit, overhead cost, and other direct cost". The bid submitted by DGC-V is mathematically unbalanced to

even the most casual review. Primary importance should be sited on the unbalancing of bid item 79 Imported Borrow (CY) (which DGC-V bid at $0.01 for 464,000 CY for a total cost of $4,640.00). The fact is the unit price submitted for bid item 79 does not reflect the contractor's reasonable cost, let alone a reasonable proportionate share of the bidder's anticipated profit, overhead cost, and other direct costs. A bid of $0.01 is not reflective of the critical nature of bid item 79, particularly when compared to the Engineer's Estimate developed by the Department, and the other bidders' bids. Additionally, certain unit prices submitted by DGC-V (as demonstrated in the table below regarding just a few unit prices) are clearly inflated numbers most likely utilized to conceal wrongly allocated profits, costs, etc. This practice demonstrates a blatant unbalancing of their bid.

In the table below please find HIGH unit prices (all submitted by DGC-V) along with the low units and the average unit prices of the other bidders:

ITEM	DESCRIPTION	DSG-V	OTHER BIDDERS			DELTA	UNBALANCED
		"Unbalanced Unit"	LOW	HIGH	AVERAGE		TOTAL
		[A]	[B]	[C]	[D]	[A - D]	[Delta x Item QTY]
66	Clearing & Grubbing	$ 250,000.00	$71,400.00	$170,000.00	$106,566.67	$143,433.33	$ 143,433.33
68	Roadway Excavation	$ 15.00	$ 7.50	$ 10.00	$ 9.50	$ 5.50	$ 610,500.00
90	Imported Biofiltration Soil	$ 90.00	$ 42.00	$ 82.40	$ 73.07	$ 16.93	$ 21,844.00
94	Class 4 Aggregate Subbase	$ 35.00	$ 17.00	$ 35.00	$ 21.93	$ 13.08	$ 228,812.50
125	Stucture Concrete (Footings)	$ 600.00	$ 185.00	$ 400.00	$ 290.00	$ 310.00	$ 430,280.00
127	Structure Concrete (Retaining Wall)	$ 525.00	$ 340.00	$ 480.00	$ 395.83	$ 129.17	$ 240,766.67
128	Structure Concrete Barrier Slab	$ 650.00	$ 385.00	$ 600.00	$ 472.50	$ 177.50	$ 149,810.00
153	12" Alternate Pipe Culvert	$ 80.00	$ 35.00	$ 75.00	$ 52.00	$ 28.00	$ 14,000.00
							$ 1,839,446.50

2. **Desilva Gates – Viking, a Joint Venture's bid is Materially Unbalanced Due to the Risk Caltrans will Pay Unreasonably High Prices for Contract Performance**

In determining whether a bid is materially unbalanced, Caltrans is required to consider the risks to the State associated with the unbalanced pricing in making the award decision, and whether a contract will result in unreasonable high prices for contract performance. FAR § 15.404-1(G)(2). A bid should be rejected if the State determines that the unbalancing bid poses unacceptable risk to the State. FAR § 15.404-1(G)(3).

The risk the State will have to pay for work not completed is extremely high on this project as a direct result of the unbalanced bid submitted by DGC-V. This can be clearly noted by extremely low, unit prices, extremely high lump sum prices, and higher than expected prices on final pay items. DGC-V did not bid according to the plans and specifications provided by Caltrans as they are required to do. Instead, they identified items that they believed would not need to be performed according to the plans, under said bid items. This is evident on the carefully camouflaged final pay or lump sum items. This ensures that if the work is not performed, as DGC-V anticipates, they will avoid sharing the cost savings with Caltrans.

The State must ask itself, for bid items grossly underbid, did the bidding contractor actually bid according to the plans and specifications. The answer is clearly no. There is no way for the State to evaluate the supposed imported borrow amounts per the bid submitted by DGC-V when $0.01 per CY is bid. The seriousness of this is clear when one considers what happens if the opposite occurs, if the actual amount of this item exceeds the 125% provision of the Standard Specifications, DGC-V would be entitled to their actual cost and the State would have no ability to analyze the actual cost incurred, because a reasonable value was not used for this bid item.

The State must further ask itself, if item 79 is reduced in the course of the work, how does the State benefit? The most glaring issue of the price bid by DGC-V for item 79 is the lack of the State's ability to avail themselves of any cost saving for this item. If the assumption made by DGC-V is correct, then the proper method would be to place the reasonable value of the cost of this item in the bid, and not mask this item with an unbalanced bid, allowing for the State to share in any cost savings by the way of a Cost Reduction Incentive Plan (CRIP) which would be in the best interest of the State and in keeping with State specifications.

The regulations are enacted to protect the State and consequentially other bidders to avoid unbalanced methods of bidding when a contractor determines construction omissions or quantity errors have been made by the agency. DGC-V will most likely try and convince the State that the unbalancing will not carry with it a negative impact to the State, and in fact the State was able to realize the incredible savings on bid day. Teichert / RNR will concede some savings to the State were most assuredly realized by Caltrans on bid day, but in fact there is no true way for Caltrans, or any entity, to validate, quantify, or identify said savings. This fact then becomes speculation based savings provided by a nervous bidder, most likely going on to outline minimal risk increases on the part of the State. If questioned by the State, DGC-V will most likely also point out percentage differentials as a means of justification as if to say that they are permitted to violate the restriction for unbalanced bids on some of the items as long as it does not become too high of an amount or percentage of the overall bid.

3. **Desilva Gates – Viking, a Joint Venture bid is Materially Unbalanced Due to the Reasonable Doubt that their bid will Result in the Lowest Overall Cost to the State**

A bid is materially unbalanced if there is a reasonable doubt that the bid will result in the lowest overall cost to the State even though it may be the low evaluated bid FAR § 52.214-19(D). As previously noted, DGC-V significantly underbid bid item 79 which they believed could be completed without performing all of the work called for by the State's plans and specifications. Thus, it is reasonable to assume that it hid the full amount, or a greater portion of the work in other bid items. Therefore, if a portion of the work is not performed, they would effectively avoid sharing the cost savings with the State.

Caltrans has strictly interpreted and firmly enforced its bid balancing requirements. For example, on April 16, 2013, Caltrans rejected a bid by Sierra Nevada Construction Inc. ("SNC") on Contract No. 10-0X8504, because SNC bid items with unrealistic costs of only $1.00.

In its letter dated April 16, 2013, Caltrans determined it could not ascertain whether SNC's bid was truly the lowest responsible bid, because SNC's unrealistic costs unbalanced their bid.

DGC-V has submitted the exact same type of bid, for which Caltrans found SNC's bid non-responsive on Contract No. 10-0X8504. Just as SNC bid items with unrealistic costs, DGC-V bid item 79 for an unrealistic cost of $0.01, and thus Caltrans cannot ascertain whether their bid is truly the lowest responsible bid.

Similarly, on August 28, 2013, Caltrans rejected a bid submitted by Teichert Construction on Contract No. 10-0T1604, because Teichert Construction bid Imported Borrow at unit cost of $0.01. Another example that is directly on point are Caltrans' letters dated August 28, 2013 and October 2, 2013, addressed to RGW Construction Inc. ("RGW") in connection with its bid for Contract No. 10-0T1604 (on which RGW was the apparent low bidder).[1]

In its letter dated August 28, 2013, Caltrans rejected a low bid submitted by RGW, because RGW's proposed cost for Imported Borrow was bid at a $0.01/CY. Based on the item cost RGW listed for Imported Borrow, Caltrans' determined RGW's bid was both mathematically and materially unbalanced, because there is reasonable doubt that RGW's bid would result in the lowest ultimate cost to the State.

DGC-V has submitted the exact same type of bid, for which Caltrans found RGW's bid nonresponsive in Contract No. 10-0T1604. Just as RGW's (and Teichert Construction's) bid of $0.01 for Imported Borrow was determined by Caltrans as unrealistic, DGC-V has attempted to bid an unrealistic unit cost of $0.01 for bid item 79 Imported Borrow (CY). Consequently, DGC-V has generated reasonable doubt their unbalanced bid will result in the lowest ultimate cost to the State. Caltrans cannot accept the "unbalanced" bid submitted by DGC-V, as it would violate both the State and Federal contract approval process.

4. **Desilva Gates – Viking, a Joint Venture's bid is Materially Unbalanced Due to the Risk of Front End Loaded Payments**

A mathematically unbalanced bid may be found materially unbalanced when it results in advance payments to the contractor, FAR § 52.214-19(d). DGC-V's bid is unbalance for a reason, we can make a plausible assumption that DGC-V unbalanced their bid for three primary reasons, to capitalize on cost and profit dollars for work not performed thereby turning these dollars into profit, front end loading the estimate to ensure positive cash flow through advance payments on work that has not yet and indeed may never be performed, and finally to ensure the lowest possible apparent bid total for comparison on bid day. The State cannot be sure where the excess amount of dollars was hidden and therefore, the risk Caltrans will make advance payments to DGC-V for work not yet performed is too great. As such, and in keeping with the governing regulations, specifications and Caltrans past precedence, the bid submitted by DGC-V should be rejected as materially unbalanced.

[1] Copies of Caltrans' letters are attached to this letter for your facility of reference.

5. **Desilva Gates – Viking, a Joint Venture bid is Materially Unbalanced Due to the Threat they pose to the integrity of the Bidding Process**

The threat to the integrity of the bidding process is made clear when one asks, if DGC-V had made a calculation error for bid item 79 could they have declared a mathematical error and be relieved of their bid? DGC-V could have probably sustained a claim of error for bid item 79 had they determined they made a gross mistake with their methodology. This affects the competitiveness of the bidding process because, in essence, DGC-V was given a free look at the other bids *before* declaring an error. This emboldens the bidder who would adopt these methods. Teichert / RNR is in no way alleging that this was the motive of DGC-V, but just the potential being present in an unbalanced bid is enough to make the bid nonresponsive according to the regulations.

6. **Desilva Gates – Viking, a Joint Venture bid should be rejected as nonresponsive, because it failed to use prevailing wages as required in the contract.**

As stated above, DGC-V bid item 79 Imported Borrow at $0.01 per cubic yard, totaling $4,640.00. Per the "Notice to Bidders" contractors were required to bid this contract using prevailing wages. DGC-V's labor and equipment will be utilized to place and compact imported borrow material on-site. As such, DGC-V cannot claim they are anticipating receiving free dirt from the public, and therefore would have no labor accrued against this item of work, thereby negating the need to pay prevailing wages, and warranting DGC-V's unbalanced bid unit. It is clear DGC-V cannot pay prevailing wages for the labor associated with the work in the imported borrow item for the cost of $4,640.00 as shown in their bid.

Caltrans has previously determined bids materially unbalanced in regards to the use of prevailing wage rates. For example, on July 7, 2010, Caltrans rejected a bid by DeSilva Gates Construction (DeSilva) on Contract No. 04-253764, because Caltrans determined DeSilva used wage rates below the required prevailing wages rates.[2]

Furthermore, Item 1 of the Good Faith Efforts Documentation – DBE Form (DES-OE-0102.11A) requires bidders to list items of work made available to DBE firms, and show the dollar value and percentage of the total contract for each item listed. DGC-V has themselves acknowledged in their own assessment that bid item 79 Imported Borrow (CY) has a potential value of more than $4.6 MILLION. As evidence, Attachment "A" of DGC-V's DBE Good Faith Effort lists bid item 79 for the descriptions of Trucking, Water Trucks, and Imported Borrow Material. In DGC-V's Commitment Form they listed West Coast Water & Trucking Inc. as performing work in bid item 79. It can only be assumed that the labor and equipment needed for placing and compacting the imported borrow will be provided by DGC-V, and it is clear DGC-V cannot pay prevailing wages for the labor associated with the work in the imported borrow item for the cost of $4,640.00 as shown in their bid.[3]

[2] A copy of Caltrans' letter is attached to this letter for your facility of reference.
[3] A copy of DGC-V's DBE Commitment Form and Attachment "A" is attached to this letter for your facility of reference.

Conclusion

Based on the information presented herein, governing regulations and specifications, the bid of DGC-V must be rejected as nonresponsive along with its bid being mathematically and materially unbalanced. Therefore, we respectfully and formally request that the State uphold and validate Teichert / RNR's bid protest and award the contract to our Joint Venture, which submitted the lowest most responsive and responsible bid for Contract 04-0A5344

Should you have any questions or need additional information with respect to any aspect of Teichert / RNR's bid protest, please do not hesitate to contact me at (530) 867-1477.

Sincerely,
Teichert / RNR, a Joint Venture

Eric Stannard
Director of Public Procurement of Teichert Construction and Representative of the Joint Venture

cc: R. Garner, A. Catellier - RNR Construction
T. Griffith, J. Thomassen, R. Czuleger, J. Theriault – Teichert Construction
Bid file 13-037

Received Dec 5 2013 02:15pm

** MESSAGE **

[RECEIVER]

Fax:2276282

[SENDER]
TEICHERT CONSTRUCTION
Fax:916-645-4801

[MESSAGE]
01

24207 County Road 100A
Davis, CA 95616
(530) 406-4200
FAX (530) 406-4299

Teichert / RNR, a Joint Venture

FAX COVER SHEET

To: Office Engineer

COMPANY: State of California-Dept. of Transportation

FAX NUMBER: (916) 227-6282

PHONE NUMBER: N/A

FROM: Teichert/RNR, a Joint Venture

DATE: December 5, 2013

PAGES: 18, including Cover Sheet

Subject: Contract No. 04-0A5344
04-SOL-80-11.3/12.9
04-SOL-12-2.5/2.6
Federal-Aid Project: ACNHP-X095(025)N
Bids Opened: November 20, 2013

RE: **Bid Protest of Teichert/RNR, a Joint Venture to Award of Contract to Desilva Gates – Viking, a Joint Venture of Desilva Gates Construction LP and Viking Construction Company, Inc.**

Enc: Protest Letter

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!
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(775)355-0535
April 16, 2013 Facsimile: ~~(415) 466-6315~~

Tim Morgan
Sierra Nevada Construction, Inc.
P.O. Box 50760
Sparks, NV 89431

10-0X8504
10-Mer-59-R0.2/7.9
B.O. 03/19/2013

Dear Mr. Morgan:

The Department of Transportation (Caltrans) received a bid from Sierra Nevada Construction, Inc. (SNC) on the above referenced contract on March 19, 2013. By this letter, Caltrans notifies SNC that it will not be considered for award of this contract due to a determination that its bid is nonresponsive.

Caltrans performed a bid analysis to determine the significant differences between the Engineer's Estimate of the costs associated with this project and SNC's bid. The disparity of the between SNC's bid and Engineer's Estimate is related to the following:

1. Contract Items 8 through 13, and 17, were bid with a unit cost of only $1.00 which is not a realistic unit cost for these items.

2. Contract Item 3, Traffic Control System was bid at $1,189,459. This amount exceeded the Engineer's Estimate of $96,000.

As you are aware, Caltrans receives many bids in response to its project delivery needs. In order to ensure the integrity of the bidding process, each bid is analyzed to determine its responsiveness. In this case, SNC by its own admission submitted an unbalanced bid and as a result of that action, Caltrans cannot ascertain whether the bid is truly the lowest responsible bid. Therefore, it is in the best interest of Caltrans to reject this bid, and award this contract to the next lowest responsible and responsive 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,

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

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

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April 29, 2013

Facsimile: (775) 355-0535

Kevin L. Robertson, President
Sierra Nevada Construction, Inc.
P.O. Box 50760
Sparks, NV 89431

10-0X8504
10-Mer-59-R0.2/7.9
B.O. 03/19/2013

Dear Mr. Robertson:

The Department of Transportation (Caltrans) received the attached letter dated April 18, 2013 from Sierra Nevada Construction, Inc. (Sierra Nevada) protesting a non-responsive finding.

Sierra Nevada protest disputes the determination set forth in the April 16, 2013, correspondence from Caltrans stating that Sierra Nevada 's bid was materially unbalanced and nonresponsive and that "it is in the best interest of Caltrans to reject the bid".

Caltrans has not changed its position concerning the finding of your bid being materially unbalanced and nonresponsive and will proceed to award this contract to the lowest responsible bidder, provided that all requirements are 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

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION 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
www.dot.ca.gov/hq/esc/oe

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August 28, 2013

Facsimile: (209) 983-2375

Mr. Daniel E. Brown, Estimating Manager
Teichert Construction
P. O. Box 1118
Stockton, CA 95201

10-0T1604
10-SJ-26-18.5/19.0
B.O. 7/23/2013

Dear Mr. Brown:

The Department of Transportation (Caltrans) received the attached bid from Teichert Construction (Teichert) for project 10-0T1604 on July 23, 2013, at which time Teichert was the apparent second low bidder. By this letter Caltrans notifies Teichert that its bid has been rejected due to unbalancing.

As you are aware, Caltrans evaluates each bid to determine whether a bid meets the requirements of both the State and Federal contract approval process. In this case, Caltrans Engineers evaluated the bid submitted by Teichert and determined that Teichert submitted a bid that was materially and mathematically unbalanced. Teichert's proposed cost for Bid Item 40, Imported Borrow, was $0.01 for 13,000 CY for a total cost of $130.00.

A mathematically unbalanced bid is a bid containing lump sum or unit bid items that do not reflect reasonable actual costs plus a reasonable proportionate share of the bidder's anticipated profit, overhead costs, and other indirect costs. A materially unbalanced bid is a bid which generates a reasonable doubt that award to the bidder submitting a mathematically unbalanced bid will result in the lowest ultimate cost to the State.

Caltrans receives many bids in response to its highway construction needs and strives to ensure the integrity of the competitive bidding process. Based on the item cost listed for Bid Item 40 it is Caltrans' determination that the bid is both mathematically and materially unbalanced as there is reasonable doubt that Teichert's bid will result in the lowest ultimate cost to the State.

Based on the above, the Department has determined that Teichert is no longer eligible for award of this contract. Caltrans will proceed to award this contract to the lowest responsible and responsive bidder.

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

Sincerely,

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

Attachment

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION 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
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FAX (916) 227-6282
www.dot.ca.gov/hq/esc/oe

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August 28, 2013

Facsimile: (925) 961-1925

Mr. Robert W. Purdy, Vice President/Secretary
RGW Construction Inc.
550 Greenville Road
Livermore, CA 94550

10-0T1604
10-SJ-26-18.5/19.0
B.O. 7/23/2013

Dear Mr. Purdy:

The Department of Transportation (Caltrans) received the attached bid from RGW Construction Inc. (RGW) for project 10-0T1604 on July 23, 2013, at which time RGW was the apparent low bidder. By this letter Caltrans notifies RGW that its bid has been rejected due to unbalancing.

As you are aware, Caltrans evaluates each bid to determine whether a bid meets the requirements of both the State and Federal contract approval process. In this case, Caltrans Engineers evaluated the bid submitted by RGW and determined that RGW submitted a bid that was materially and mathematically unbalanced. RGW's proposed cost for Bid Item 40, Imported Borrow, was $0.01 for 13,000 CY for a total cost of $130.00.

A mathematically unbalanced bid is a bid containing lump sum or unit bid items that do not reflect reasonable actual costs plus a reasonable proportionate share of the bidder's anticipated profit, overhead costs, and other indirect costs. A materially unbalanced bid is a bid which generates a reasonable doubt that award to the bidder submitting a mathematically unbalanced bid will result in the lowest ultimate cost to the State.

Caltrans receives many bids in response to its highway construction needs and strives to ensure the integrity of the competitive bidding process. Based on the item cost listed for Bid Item 40, it is Caltrans' determination that the bid is both mathematically and materially unbalanced as there is reasonable doubt that RGW's bid will result in the lowest ultimate cost to the State.

Based on the above the Department has determined that RGW is no longer eligible for award of this contract. Caltrans will proceed to award this contract to the lowest responsible and responsive bidder.

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

Attachment

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!
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October 2, 2013

Facsimile: (925) 961-1925

Mr. Robert W. Purdy, Vice President/Secretary
RGW Construction Inc.
550 Greenville Road
Livermore, CA 94550

10-0T1604
10-SJ-26-18.5/19.0
B.O. 7/23/2013

Dear Mr. Purdy:

The Department of Transportation (Caltrans) received the attached letter from RGW Construction (RGW) protesting the rejection of its bid on project 10-0T1604 due to unbalancing. The protest states in part;... "that RGW analyzed the plans and determined there would not be a need for imported borrow, i.e. the site balances with nominal consideration for shrink. RGW factored this into the bid and passed the savings on to the State of California by virtue of our submitting the least cost bid". RGW requests Caltrans to rescind its bid rejection letter and award the contract to the lowest responsive and responsible bidder, RGW.

As you are aware, the Engineering decisions must be made by and are the responsibility of the engineer in responsible charge of the project. Caltrans relies on its Civil Engineers for both the design and quality assurance needs for all projects, including materials. Ultimately, Caltrans makes all final decisions on its projects as it relates to the relevance of plans, specifications and or materials used. As with all highway construction contracts, Caltrans strives to obtain the lowest bid; and at the same time assure fair and equitable evaluation of all bids. As such, regardless of the bidder's expertise, the bidder must submit a bid in accordance with the projects plans and specifications. In this case, RGW pre-determined that there would not be a need for imported borrow and submitted its bid for Bid Item 40 (imported borrow) for $0.01 or $130.00 for 13,000 cubic yards. While Caltrans agrees that some portion of the work may be adjusted, the State would ultimately pay a higher overall total price for the contract.

Therefore, Caltrans stands by its original decision that the bid submitted by RGW is both materially and mathematically unbalanced and will proceed to award this contract to the lowest responsible and responsive bidder.

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

Attachment

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 30TH STREET
SACRAMENTO, CA 95816
P.O. BOX 168041
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6280
FAX (916) 227-6151

cc: M. Kloos
R. Gates
M. Willcoxon
T. Gunther
G. Reteodes
S. Archibald
7/7/10

FACSIMILE (925) 803-4262

July 7, 2010

EXHIBIT 5

Michael A. Kloos, Vice President
De Silva Gates Construction
P. O. Box 2909
Dublin, CA 94568

04-253764
04-Ala-680-4.8/5.2
B.O. 5/18/10

Dear Mr. Kloos:

The Department received the attached letter dated June 15, 2010 from De Silva Gates Construction (De Silva) protesting the Department's June 7, 2010 determination that De Silva's bid is materially unbalanced for bid item no. 43, Plant Establishment Work.

After reviewing your protest, the Department finds De Silva's prevailing wage rate used for plant establishment work is below the Plant Establishment work prevailing wage rate of $35.64 per hour (per the Department of Industrial Relations).

Based on the above, the Department's initial determination that De Silva's bid is materially unbalanced is final. The Department therefore rejects De Silva's bid in conformance with Section 2-1.17, "Bid Rejection", of the Amendments to the Standard Specifications.

The Department will proceed to award this contract to the next lowest responsible bidder provided all requirements are met. If you have any questions, please call Kris Kuhl Chief, Office of Contract Awards and Services, at (916) 227-6280.

Sincerely,

Kris Kuhl

JOHN McMILLAN
Deputy Division Chief
Office Engineer
Division of Engineering Services

DESILVA GATES-VIKING

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
CALTRANS BIDDER - DBE - COMMITMENT
DES-OE-0102.10C (NEW 08/2012)

This information must be submitted with your bid proposal. If it is not, and you are the apparent low bidder or the second or third low bidder, it must be submitted and received as specified in section 2 of the specifications. Failure to submit the required DBE information will be grounds for finding the bid nonresponsive.

CONTRACT NO:
04-0A5344

BID AMOUNT:
$ 45,812,551.00

BID OPENING DATE:
NOVEMBER 20, 2013

BIDDER'S NAME:
DESILVA GATES -VIKING

DBE GOAL FROM CONTRACT, %:
10%

DBE Prime CONTRACTOR CERTIFICATION[1]:

ITEM NO.	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED[2]	FOR CALTRANS USE ONLY	NAME OF DBE[3] (Must be entered on the date bids are opened - include Caltrans certification #, DBE address and phone number) (Indicate 2nd-tier lower tier subcontractors)	DOLLAR AMOUNT DBE[4]
44,50,51,58-63,68, 69,71,72,74,76-79, 94,95,101-103, 114-118,172,181	AXLE 4,000 GAL WATER TRUCK		WEST COAST WATER & TRUCKING, INC. 3941 PARK DRIVE SUITE 20-231 EL DORADO HILLS, CA 95762 PH: 530/350-7323 CN: 37869	200,600.00
	2,360 HRS X $85/HR = 200,600.00			

IMPORTANT: Identify all DBE firms being claimed for credit, regardless of tier. Names of the First Tier DBE Subcontractors and their respective item(s) of work listed above must be consistent, where applicable, with any names and items of work in the "Subcontractor List" submitted with your bid. Copies of the DBE quotes are required.

Total Claimed Participation: $ SEE PAGE 1 / SEE PAGE 1

1. DBE prime contractors must enter their certification number and indicate all work to be performed by DBEs including work performed by its own forces.
2. If 100% of work is not to be performed or furnished by DBE, describe or list portion of work to be performed or furnished.
3. See section 2-1.12 of the specifications to determine the credit allowed for DBE firms.

SEE FIRST PAGE FOR SIGNATURE
Signature of Bidder
*RICHARD B. GATES
11/21/13 (Date)
925/829-9220 (Area Code) Tel. No.
MIKE GATES
Person to Contact (Please Type or Print)
dgcestimating@desilvagates.com

*PRESIDENT OF DESILVA GATES CONSTRUCTION L.P. ITS JV SPONSOR

Submit to:

MSC 43
OFFICE ENGINEER
DEPARTMENT OF TRANSPORTATION
1727 30TH STREET
SACRAMENTO, CA 95816-7005

ADA Notice: For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write to Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

DESILVA GATES CONSTRUCTION
ESTIMATE NO.: 1110012

BID DATE: 10/28/2013
BID TIME: 2:00 PM
ESTIMATOR: Victor Le

Caltrans - Route 12, 04
Contract No. 04-0A4344

Attachment A-1

DGC Bid Items

TOTAL BID: 250,000,000.00

Bid Item Nos.	Item of Work Offered	LICENSE TYPES	Bidder Normally Performs Item (Y/N)	Item Broken Down to Facilitate Participation (Y/N)	Amount ($)	Percentage of Contract (Total Bid)
105-108	AC Dike	C12	N	Y	11,000.00	0.02%
98	Clearing and Grubbing		N	Y	70,000.00	0.14%
252-258,346	Concrete Barrier		N	Y	560,000.00	1.12%
4	Construction Area Sign		N	Y	52,000.00	0.10%
291	Crash Cushion (Type CAT)		N	Y	10,000.00	0.02%
16	Job Site Management		Y	Y	20,000.00	0.04%
45,228,271-286,340	Electrical		N	Y	1,400,000.00	2.80%
110	Emulsion Supplier	C32	N	Y	30,000.00	0.06%
64-69,288,230,294,295,337,338	Erosion Control	C12	N	Y	1,000,000.00	2.00%
53,228-238,244	Fencing		N	Y	400,000.00	0.80%
30	Geomembrane Liner		N	Y	60,000.00	0.15%
34,38,242,247-250	Guardrailing		N	Y	117,000.00	0.23%
70	Ground Improvement	C8, D30	N	Y	370,000.00	0.74%
90,291,292,296-309,311-326,338,341-343	Landscaping / Irrigation		N	Y	530,000.00	1.06%
1	Lead Compliance Plan		N	Y	2,000.00	0.00%
92-95	Lime Treatment	C12	N	Y	430,000.00	0.86%
182,183,185-192,313	Minor Concrete	C12, C8	N	Y	475,000.00	0.95%
52,56,131,193	Minor Concrete Structure	C12, C8	N	Y	350,000.00	0.70%
80,97,111,112	LCB, Rapid Strength Conc., Jointed Plain Conc. Pavement	C12, C8	N	Y	3,600,000.00	7.20%
42,58,145-152,238-241	Roadside Signs		N	Y	40,000.00	0.08%
49,129,142-144	Sign Structure		N	Y	780,000.00	1.52%
7,8,10,32,35-41,260-270	Striping		N	Y	190,000.00	0.38%
33	Survey/Staking		N	Y	5,000.00	0.01%
18,21	SWPPP		N	Y	5,000.00	0.01%
22-28,321,344	Temporary Erosion Control	C27	Y	Y	140,000.00	0.28%
33,36,46-49,57,65,153-165,174-181,184,202,206-220,222,223,225-227,292	Underground	C8	N	Y	3,700,000.00	7.40%
166-170	Underdrain		Y	Y	60,000.00	
243	Vegetation Control	C12, C8	N	Y	65,000.00	0.13%
44,50,51,58-63,68,69,71,72,74,76-79,94,95,101-103,114-118,171,172,181	Trucking		Y	Y	2,700,000.00	5.40%
44,50,51,58-63,68,69,71,72,74,76-79,94,95,101-103,114-118,171,172,181	Water Trucks		N	Y	415,000.00	0.83%
[illegible]	[illegible]				[illegible]	[illegible]
79	Imported Borrow Material	C12	Y	Y	4,800,000.00	9.20%
[illegible]	[illegible]	[illegible]			[illegible]	[illegible]
94	Class 4 Aggregate Base Material	C12	Y	Y	305,000.00	0.61%
101	Hot Mix Asphalt (Type A) Material	C12	Y	Y	2,200,000.00	4.40%
102	Hot Mix Asphalt (Open Grade) Material		Y	Y	425,000.00	0.85%
103	Rubberized HMA (Gap Grade) Material		Y	Y	1,015,000.00	2.03%
						0.00%
						0.00%

Total Work Made Available for DBE Participation:		$ 25,734,000.00	53.35%
Project DBE Goal	10.0%	$ 5,000,000.00	
Statewide 2013 DBE Goal	13.5%	$ 6,750,000.00	

DESILVA GATES
CONSTRUCTION
11555 Dublin Boulevard
P.O. Box 2909
Dublin, California 94568-2909
925/829-9220
www.desilvagates.com
CONTRACTORS LICENSE NO. 704195 A

December 20, 2013

VIA FACSIMILE TRANSMISSION – (916) 227-6282 and U.S. MAIL

John C. McMillan
Deputy Division Chief
Division of Engineering Services
State of California, Department of Transportation
1727 – 30th Street
P.O. Box 168041
Sacramento, CA 95816

Re: Caltrans Contract No. 04-OA5344, 04-Sol-80, 12-Var
Bids Opened: 11/20/13
Response to Bid Protest of Teichert/RNR, a Joint Venture

Dear Mr. McMillan:

This letter responds to the protest filed by Teichert/RNR, a Joint Venture ("T/RNR"), and addresses each of the six points in T/RNR's protest letter dated December 5, 2013. As discussed below, T/RNR's protest is completely without merit.

1. T/RNR Claims That DGC-V's Bid is Mathematically Unbalanced.

As stated previously in the letter DeSilva Gates Construction and Viking Construction, a Joint Venture ("DGC-V") sent to Caltrans dated December 2, 2013, DGC-V's bid is not unbalanced as claimed by T/RNR.

T/RNR's protest is premised on the mistaken assumption that DGC-V's price of $0.01/cy for Bid Item 79 (Imported Borrow) is not a reasonable price for the imported borrow work. Yet, as set forth in DGC-V's letter dated December 2, 2013, DGC-V had a benefit not available to other bidders which allows it to have the imported borrow work performed without cost.

There is no designated borrow pit set forth in the specifications for the imported borrow. Accordingly, each bidder was required to locate its own source for this material. DGC-V has a SMARA approved site that requires reclamation work to be performed. As a result, DGC-V can have the imported borrow for this project delivered and placed without cost. This not only gave DGC-V a significant advantage over other bidders, but also benefitted Caltrans because it allowed DGC-V to submit a lower bid to Caltrans.

T/RNR also identifies eight bid items which it speculates may be higher than what could have been estimated for these items: Bid Items 66, 68, 90, 94, 125, 127, 128 and 153. T/RNR's speculation is without merit.

DGC-V is an item Joint Venture, and each joint venture partner compiled its own estimate of costs independently of the other partner. DeSilva Gates Construction was responsible for Bid Item Nos. 66, 68, 90, 94 and 153, and Viking Construction, Inc., was responsible for Bid Item Nos. 125, 127 and 128. DGC-V's prices for each of these bid items reflects good faith estimates of the true and accurate costs of each item.

In its table on the second page of its protest letter, T/RNR cherry-picked eight bid items out of the 346 bid items in DGC-V's bid to show that DGC-V's prices for these items were higher than other bidders. This is a meaningless comparison. Each bidder has its own cost parameters and performed its own independent estimate of the costs for the various bid items. Accordingly, there will of course be disparities between the pricing of the various bidders. Indeed, a similar table could be made for each of the other bidders showing that its prices for certain bid items were higher than estimated by other bidders.

2. **T/RNR's Speculates That Because DGC-V's Bid Is Unbalanced, Caltrans May Pay Unreasonably High Prices For Contract Performance.**

T/RNR speculates that Caltrans may pay higher prices because DGC-V's bid is allegedly unbalanced. This speculation is based on the false assumption that DGC-V's bid is unbalanced. Yet, as discussed above, it is not unbalanced as claimed by T/RNR.

Moreover, Bid Item Nos. 66, 125, 126 and 127 are lump sum or final pay quantity items, and so DGC-V can see no risk to Caltrans with these bid items. Bid Item Nos. 90 and 153 are negligible amounts, involving a total of only $156,100 of DGC-V's total bid price of approximately $45,000,000. As for Bid Item Nos. 69 and 94, these items would be subject to adjustment for underruns and/or overruns in quantities in accordance with the Contract, which is the same for all bidders. As discussed above, Caltrans has realized a substantial savings with regard to Bid Item No. 79 because of the special circumstances involving the SMARA-approved site that DGC-V has available. Again, Bid Item No. 79 was not "grossly underbid" as claimed by T/RNR, but was bid at DGC-V's estimated true and actual cost. Although T/RNR claims that bidding that bid item for a nominal amount would not allow the State to share in cost savings by way of a Cost Reduction Incentive Plan (CRIP), CRIPs are assessed based upon a force account cost analysis before a change and a force account cost analysis after a change. The bid prices have no bearing on the calculated cost savings of a CRIP.

3. **T/RNR Speculates That DGC-V's Bid May Not Result in the Lowest Overall Cost To the State.**

In this section of T/RNR's letter, T/RNR points out that there have been situations in which Caltrans has rejected bids containing nominal bid item prices on the grounds that they were materially unbalanced. These are distinguishable from the present situation because, as discussed above, DGC's bid is not mathematically and materially unbalanced.

For example, in Caltrans' letter dated April 16, 2013, Caltrans rejected a bid from Sierra Nevada Construction, Inc. ("SNC"), where "SNC by its own admission submitted an unbalanced bid." Similarly, in each of the other situations, cited by T/RNR, Caltrans determined that the bid was mathematically and materially unbalanced. Here, on the other hand, DGC-V's bid was not mathematically and materially unbalanced.

Of course, the fact that a bidder submits a nominal bid price for a bid item does not mean that the bid is mathematically or materially unbalanced. Indeed, as shown by the enclosure to DGC-V's letter dated December 2, 2013, Caltrans routinely awards contracts to contractors who have bid a nominal price for an individual bid item. Indeed, Caltrans has made such awards to Teichert.

As discussed above, DGC-V bid a nominal amount for Bid Item No. 79 because, due to special circumstances, it can have that work performed at no cost. Indeed, if DGC-V had bid some other amount for Bid Item No. 79, this would not have represented DGC-V's true estimated cost for Bid Item No. 79, and would have resulted in an unbalanced bid.

4. T/RNR Speculates That There is a Risk of Front-End Loaded Payments.

T/RNR speculates that there may be a risk to Caltrans because DGC-V may receive "front-end payments" for "work not performed." This is clearly mistaken. Caltrans pays according to the quantity of work performed as the work is completed.

Moreover, the Import Borrow work is one of the first items of work to be performed on the project. Yet, DGC-V bid only a nominal amount for this bid item. Accordingly, DGC-V, by bidding a nominal amount for this item, which is performed early in the project, DGC-V obviously would not be front-end loading its payments.

Most significantly, T/RNR's argument is again premised on its unfounded speculation that DGC-V's bid is mathematically and materially unbalanced.

5. T/RNR Claims That DGC-V Could Have Claimed A Bid Mistake.

T/RNR claims that DGC could have claimed a mathematical mistake in bid with regard to its price for Bid Item No. 79. This claim is false. DGC-V made no mathematical mistake. It bid what it intended, and what it believed reasonably reflects what its cost will be given the special circumstances involved that allow it to have this work performed without cost.

6. T/RNR Claims That DGC-V Will Not Pay Prevailing Wages.

DGC-V will pay prevailing wages on this project. Any speculation by T/RNR to the contrary is untrue. DGC-V jointly and separately have constructed billions of dollars of projects for the State and have paid prevailing wages on all of them. In fact, the Contract requires the payment of prevailing wages.

7. **Conclusion.**

DGC-V's bid is the lowest bid received by Caltrans. Its bid is approximately $436,000 lower than the next low bid. It would certainly amount to a disservice to Caltrans and taxpayers if DGC-V's low bid were rejected in order to award the project to a bidder whose bid is approximately $436,000 higher.

Moreover, it would be improper and illegal for Caltrans to reject DGC-V's low bid. As discussed above, contrary to T/RNR's speculation, DGC-V's bid is not mathematically and materially unbalanced.

DGC-V respectfully requests that Caltrans reject the bid protest submitted by T/RNR, and award the contract to DGC-V, the low responsive and responsible bidder.

Sincerely,

DESILVA GATES-VIKING, a Joint Venture
By DeSilva Gates Construciton

Richard B. Gates,
President

DESILVA GATES
CONSTRUCTION
11555 Dublin Boulevard
P.O. Box 2909
Dublin, California 94568-2909
925/829-9220
www.desilvagates.com

CONTRACTORS LICENSE NO. 704198 A

December 20, 2013

VIA FACSIMILE (916) 227-6282

California Department of Transportation
John McMillan
Deputy Division Chief
Division of Engineering Services
Office Engineer, MS 43
1727 30th Street
P.O. Box 168041
Sacramento, CA 95816-8041

Re: Contract No. 04-0A5344, 04-Sol-80, 12-Var
Bids Opened: Bids Opened 11/20/13, 2013
Response to Ghilotti Construction

Dear Mr. McMillan:

This letter is in response to Ghilotti Construction Company's (GCC) email dated December 12, 2013 to Earl Seaberg Jr of Caltrans regarding the above referenced Contract. GCC's analysis of the quantity required for Bid Item No. 79 Imported Borrow is wrong. GCC conveniently only uses the information from one page of the Contract Plans and fails to utilize all of the information and requirements from the Contract Documents.

GCC wants the State to believe that there is an error in the bid quantity for Bid Item No. 79 by doing an erroneous calculation to prove its position. The pay quantity for Imported Borrow will be in excess of 440,000 cubic yards, if one uses GCC's analysis with a 10% grading factor for the onsite excavation. The following shows the correct Imported Borrow quantity using GCC's analysis assuming a 10% grading factor.

	Excavation	Embankment
Bid Item No. 68 Roadway Excavation	110,016	480,576
Bid Item No. 71 Rock Excavation	25,411	
Subsidence (Per Special Provisions)		42,160
Sub-total	135,427	522,736
10% Shrink	-13,543	
Sub-total	121,884	522,736
Borrow Required (522,736-121,884) (with 10% grading factor)		400,852

Since Imported Borrow is measured in the Imported Borrow pit(s) per the Contract Documents, using a grading factor of 10% will result in the Imported Borrow pay quantity being 400,852 cubic yards divided by 0.90 equals 445,391 cubic yards. With an Imported Borrow quantity of 440,000 cubic yards, DeSilva Gates- Viking JV's (DGC-V) bid is still substantially lower than all of the other bidders since the Imported Borrow pay quantity for Bid Item No. 79 would be 24,000 cubic yards lower.

DGC-V	$45,812,551.00
Teichert/RNR JV	$46,248,791.60 -$72,000.00 (24,000 cubic yards x $3.00/cy) Bid Item No. 79 $46,176,791.60
OC Jones/Flatiron JV	$46,994,623.00 -$72,000.00 (24,000 cubic yards x $3.00/cy) Bid Item No. 79 $46,922,623.00

When compared to the second bidder above (with a 440,000 cubic yard quantity for Bid Item No. 79), DGC-V's bid has a cost to the State that is less than the second bidder by $364,240.60 and DGC-V's bid has a cost to the State that is less than the third bidder by $1,110,072.00.

Therefore, GCC's claim has no merit and should be rejected by the State. DGC-V is still the lowest responsive and responsible bidder and the Contract should be awarded to DGC-V.

Sincerely
DESILVA GATES-VIKING, a Joint Venture
By, DeSilva Gates Construction

Richard B. Gates
President

From: Tom Smith [mailto:Tom@ghilotti.com]
Sent: Wednesday, December 04, 2013 9:57 AM
To: Seaberg Jr, Earl R@DOT
Subject: 04-0A5344 - Import Borrow Quantities

Hello Earl,

Please see the attached Q-1 sheet showing the Summary of Quantities for the above referenced project. I added some typed in notes showing how the math is "broken" regarding the Import Borrow quantity. As you can see, the engineer's quantity for Bid Item 79 Import Borrow Is significantly overstated. This is very problematic given the Department's aversion to entering into a contract that is broken from the beginning. I wanted to make you aware of this error so that you are able to make an informed decision regarding the award of this contract.

Because of this significant mathematical error I believe that the Department should reject all bids. Awarding this contract in its current form would be to the detriment of the Department / State.

Regards,

Thomas Smith
Estimating Manager
Ghilotti Construction Company

PLACE HOT MIX ASPHALT DIKE

STATION	Loc	TYPE C Std	TYPE C Mod	TYPE D Std	TYPE E Std	TYPE E Mod	TYPE F Std	TYPE F Mod	HOT MIX ASPHALT (Misc AREA)	HOT MIX ASPHALT (TYPE A)
		LF							SQYD	TON
"M" 11+50.00 TO "RL1" 88+50.00	L1			315	80	803			-	52
"M" 86+75.37 TO 88+93.13	L1					176				
"M" 91+53.18 TO 93+50.18	L1				1197				77	15
"M" 91+50.18 TO 100+00.33	L1						50		4	2
"M" 100+00.18 TO 100+81.48	L1	81							6	2
"RL1" 90+30.00 TO 91+61.81	R1									
"RL1" 91+61.81 TO 93+00.00	R1				132					4
"RL1" 93+00.00 TO 96+35.00	R1							138		4
"RL1" 96+35.00 TO 100+52.83 [HSG]	R1				135					4
"M" 11+14.83 TO 88+80.00	L1				480					13
"M" 93+19.88 TO 95+31.82	L1					136				5
"M" 95+31.82 TO 97+02.88	L1							53		2
"M" 97+02.88 TO 97+02.88	L1		65							2
"M" 97+02.88 TO 98+44.80	L1					248				10
"M" 98+44.80 TO 99+00.00 [HSG]	R1				875					24
"M" 99+10.87 TO 99+89.80	R1						98			4
"M" 99+89.80 TO 99+91.27	R1				343					12
"M" 99+91.27 TO "M" 100+01.20	R1						50			
"M" 100+01.20 TO "M" 100+38.81	R1	37								1
"M" 100+38.81 TO 101+27.85	L1						85			1
"M" 101+27.85 TO 101+99.85	L1	72								1
"M" 101+99.85 TO 103+00.00	L1				288					7
"RM" 99+00.00 TO 78+23.45 [SIDE GUTTER]	R1				888					24
"M" 76+90.95 TO 80+28.85	L1				592				19	26
"M" 77+18.93 TO 80+52.85	L1						335			8
"M" 80+52.85 TO 81+51.72	L1	55								1
"M" 81+51.72 TO 88+50.00	L1				532					15
"M" 81+20.00 TO 81+31.00 [HSG]	R1				1011					26
"M" 82+30.71 TO 83+84.50	R1	72								
"M" 83+84.50 TO 84+00.00	R1						38			1
"RM" 12+28.19 TO 16+30.47	R1				338					11
SUB-TOTAL		327	65	315	7301	1366	988	201	98	308
TOTAL		392		315	8675		797		56	308

* (HSG) DENOTES HIGH SIDE GUTTER

PLACE HOT MIX ASPHALT (MISCELLANEOUS AREA)

STATION	Loc	HOT MIX ASPHALT (Misc AREA)	HOT MIX ASPHALT (TYPE A)	CLASS 2 AGGREGATE BASE
		SQYD	TON	CY
"M" 81+19.88 TO 88+08.81	L1	1617	282	270
"M" 88+00.00 TO 101+11.28	L1	1148	200	191
"RM" 100+84.18 TO 101+55.45	R1	169	30	28
"M" 100+82.50 TO "M" 101+31.85	L1	280	49	46
"M" 84+74.49 TO 88+41.90	R1	596	104	99
"M" 77+18.93 TO 78+84.18	L1	170	30	28
FROM DRAINAGE		10	1.88	
FROM PLACE HOT MIXED ASPHALT DIKE		96		
TOTAL		3915	671.88	640

DIST	COUNTY	ROUTE	POST MILE TOTAL PROJECT	SHEET No.	TOTAL SHEETS
04	Sol	12,80	2.1/12.8 12.0/13.1	381	597

REGISTERED CIVIL ENGINEER — DATE 5-8-13 — PLANS APPROVAL DATE

THE STATE OF CALIFORNIA ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OR CONDITIONS OF ESTIMATES OR SURVEY NOTES SHOWN ON THIS PLAN SHEET.

MARK THOMAS & COMPANY, INC. & MOLLY ASSOCIATES, INC. 3000 OAK ROAD, SUITE 550 WALNUT CREEK, CA 94597

BOLAND DEVELOPMENT AUTHORITY ONE HARBOR CENTER, SUITE 130 BURLINGAME, CA 94010

EARTHWORK SUMMARY

ALIGNMENT	ROADWAY EXCAVATION	ROCK EXCAVATION	EMBANKMENT (N)	IMPORTED BORROW	ROADWAY EXCAVATION (TYPE Y-1) (AERIALLY DEPOSITED LEAD)
	CY				
"M"	23041		19041	19041	1273
"JM"	89916 85770	25411	193885	140361	
"R"	6		13814	13814	
"S"	204		97131	96327	
"RL1"	3902		23553	20661	
"RL2"	1135		14415	13256	
"RM"	581		19885	19104	
"V"	1881		82088	82088	
"DM"	850		11230	11230	
"RM1"	442		5452	5008	
"A"	38		244	208	
"AM"	29		100	71	
BIOFILTRATION BASIN	1273				
SUB-TOTAL	100016 110016	25411	480376	421587	1273
SUBSIDENCE			48058	42170	
TOTAL	100016 110016	25411	528634	463757	1273

[N] - NOT A SEPARATE PAY ITEM, FOR DETERMINATION

Total Roadway Excavation (CY) = 110,016 + 25,411= 135,427 CY

Total Embankment (CY) = 528,634 CY

Total Import Required (CY) = 528,634 – 135,427 = 393,207 CY

Caltrans Calculated Imported Borrow = 463,757 CY → BID ITEM 79

Imported Borrow Overage = 70,550 CY

(The above numbers include the 10% compaction and subsidence)

SHEET NUMBER	HOT MIX ASPHALT (OPEN GRADED)	RUBBERIZED HOT MIX ASPHALT (GAP GRADED)	HOT MIX ASPHALT (TYPE A)	JOINTED PLAIN CONCRETE PAVEMENT	LEAN CONCRETE BASE
	TON				
L-1	470	928	1085		654
L-2	381	1957	3898	4129	2328
L-3	103	791	1574	9819	2335
L-4	828	1155	2782		882
L-5	535				
L-6	167				
L-7	591	1514	311		178
L-8	524	1165	2804		1187
L-9		1934	3995		1841
L-10			119		
L-11		311	1889	18	
L-12		268	538		
ACCESS ROAD-DRAINAGE BASIN		1015	1808		
SAFETY EDGE	208				
NMA (Var. DEPTH)				73	85
FROM PLACE NMA DIKE			8380		
TEMPORARY PAVEMENT			304		
FROM PLACE NMA (Misc AREA)			4597		
FROM MINOR CONCRETE (Misc)			871.88		
TOTAL	4884	10979	33758.88	10838	9389

CONCRETE BLOCK WALL

STATION	LOCATION	CONCRETE BLOCK WALL
		SQFT
"AM" 10+80 TO 11+10.00	L1	60
"AM" 10+80 TO 11+34.85	R1	141
TOTAL		221

TEMPORARY MECHANICALLY STABILIZED EMBANKMENT

STATION	SQFT
"A" 69+81.00 TO 86+48.00	1755
"A" 70+76.19 TO 70+18.50	1860
"A" 71+15.30 TO 71+49.90	3260
"A" 73+21.90 TO 71+21.90	3580
"A" 76+42.50 TO 19+86.50	8320
TOTAL	18770

2 REPLACED PER ADDENDUM No. 2 DATED NOVEMBER 8, 2013

SUMMARY OF QUANTITIES

Q-1

STATE OF CALIFORNIA – DEPARTMENT OF TRANSPORTATION — CONSULTANT FUNCTIONAL SUPERVISOR: MICHAEL J. LOMAN — CALCULATED-DESIGNED BY: J. M. FANDRUM — CHECKED BY: K. M. BRENAN — REVISED BY — DATE REVISED 9/20/13

From: Tom Smith [mailto:Tom@ghilotti.com]
Sent: Thursday, December 12, 2013 11:35 AM
To: Seaberg Jr, Earl R@DOT
Subject: 04-0A5344

Hello Earl,

This is a follow up to my previous e-mail regarding the incorrect quantities for Bid Item 79 Import Borrow on contract no. 04-0A5344. The quantity for Bid Item 79 is overstated by more than 70,000 cy. Contractors clearly bid a low unit price for this item as a result of this overstated quantity. If Caltrans were to move forward and award this contract in its current condition, it would be an extreme disadvantage to the State. As such, I would strongly urge the Department to reject all bids for this contract.

Historically, the Department has shown that it has no desire to knowingly enter into a broken contract. Case in point, the Department rejected all bids on contract no. 03-4M2904 that bid on 4/17/12 (see attached copy). In this case Bid Item 12 (R-HMA) had a quantity of 22,200 tons. This quantity was significantly overstated and again contractors clearly bid a low unit price for this item as a result of this overstated quantity. As such the Department rejected all bids. The Department rebid this project on 7/10/12 with a revised quantity of 17,500 tons for Bid Item 12 (R-HMA).

Likewise for contract no. 04-0A5344, the Department should not knowingly enter into a broken contract. It has been demonstrated that a significant math error exists relative to the Import Borrow item of work and as such the Department should reject all bids.

Thank you for considering this mater.

Thomas Smith
Estimating Manager
Ghilotti Construction Company

STATE OF CALIFORNIA — B I D S U M M A R Y — DEPARTMENT OF TRANSPORTATION — BID211 PAGE 1 — 04/19/12

BID OPENING DATE 04/17/12
CONTRACT NUMBER 03-4M2904
LOCATION 03-YOL-505-0.0/13.2

IN YOLO COUNTY FROM SOLANO COUNTY
LINE TO 0.2 MILE SOUTH OF COUNTY
ROAD 19 OVERCROSSING

CONTRACT CODE 'D '
26 CONTRACT ITEMS

RUBBERIZED HOT MIX ASPHALT OVERLAY — FEDERAL AID NONE

DVBE GOALS: DISABLED VETERANS BUSINESS ENTERPRISES - 3.0%

PROPOSALS ISSUED 10 FUND TOTAL HM1 0 TOTAL NUMBER OF WORKING DAYS 55

NUMBER OF BIDDERS 6 ENGINEERS EST 2,591,182.00 AMOUNT UNDER 5,597.00 PERCENT UNDER EST 0.22
PROGRAM ELEMENTS RAS

BID RANK	BID TOTAL	BIDDER ID	BIDDER INFORMATION (NAME/ADDRESS/LOCATION)		
1	2,585,585.00	1	GEORGE REED INC P O BOX 4760 MODESTO CA 95352	209 523-0734 00211337 FAX 209 523-4927	NSB PREF CLAIMED
2	2,866,666.00	6	DESILVA GATES CONSTRUCTION LP P O BOX 2909 DUBLIN CA 94568	925 829-9220 00704195 FAX 925 803-4263	NSB PREF CLAIMED
3	2,877,420.00	3	GHILOTTI CONSTRUCTION COMPANY INC 246 GHILOTTI AVE SANTA ROSA CA 95407	707 585-1221 00644515 FAX 707 585-1601	NSB PREF CLAIMED
4	2,883,882.40	5	TEICHERT CONSTRUCTION PO BOX 1890 DAVIS, CA 95617-1890	530 406-4200 00000008 FAX 530 406-4299	NSB PREF CLAIMED
5	3,079,971.00	2	RGW CONSTRUCTION INC 550 GREENVILLE ROAD LIVERMORE CA 94550	925 606-2400 00591940 FAX 925 961-1925	NSB PREF CLAIMED

ITEM NO.	ITEM CODE	ITEM DESCRIPTION	UNIT OF MEASURE	ESTIMATED QUANTITY	BID	AMOUNT
1	074016	CONSTRUCTION SITE MANAGEMENT	LS	LUMP SUM	10,000.00	10,000.00
2	074017	PREPARE WATER POLLUTION CONTROL PROGRAM	LS	LUMP SUM	2,000.00	2,000.00
3	120090	CONSTRUCTION AREA SIGNS	LS	LUMP SUM	10,000.00	10,000.00
4	120100	TRAFFIC CONTROL SYSTEM	LS	LUMP SUM	500,000.00	500,000.00
5	128650	PORTABLE CHANGEABLE MESSAGE SIGN	LS	LUMP SUM	10,000.00	10,000.00
6	150715	REMOVE THERMOPLASTIC PAVEMENT MARKING	SQFT	1,920	4.50	8,640.00
7	153103	COLD PLANE ASPHALT CONCRETE PAVEMENT	SQYD	6,800	10.00	68,000.00
8	190110	LEAD COMPLIANCE PLAN	LS	LUMP SUM	5,000.00	5,000.00
9	190185	SHOULDER BACKING	TON	480	100.00	48,000.00
10	374002	ASPHALTIC EMULSION (FOG SEAL COAT)	TON	50	1.00	50.00
11	374207	CRACK TREATMENT	LNMI	30	2,900.00	87,000.00
12	390138	RUBBERIZED HOT MIX ASPHALT (OPEN GRADED)	TON	22,200	.01	222.00
13	394050	RUMBLE STRIP	STA	1,800	14.00	25,200.00
14	394060	DATA CORE	LS	LUMP SUM	10,000.00	10,000.00
15	397005	TACK COAT	TON	110	1.00	110.00
16	000001	ITEM DELETED PER ADDENDUM	LS	LUMP SUM	.00	0.00
17	820107	DELINEATOR (CLASS 1)	EA	180	44.00	7,920.00
18	840504	4" THERMOPLASTIC TRAFFIC STRIPE	LF	221,000	.46	101,660.00
19	840506	8" THERMOPLASTIC TRAFFIC STRIPE	LF	6,500	1.25	8,125.00
20	840515	THERMOPLASTIC PAVEMENT MARKING	SQFT	1,920	6.00	11,520.00
21	840525	4" THERMOPLASTIC TRAFFIC STRIPE (BROKEN 36-12)	LF	89,200	.17	15,164.00
22	840526	4" THERMOPLASTIC TRAFFIC STRIPE (BROKEN 17-7)	LF	2,420	.20	484.00
23	850111	PAVEMENT MARKER (RETROREFLECTIVE)	EA	4,920	3.00	14,760.00
24	860090	MAINTAINING EXISTING TRAFFIC MANAGEMENT SYSTEM ELEMENTS DURING CONSTRUCTION	LS	LUMP SUM	1,000.00	1,000.00
25	860809	DETECTOR LOOP (LS)	LS	LUMP SUM	20,000.00	20,000.00
26	999990	MOBILIZATION	LS	LUMP SUM	1,620,730.00	1,620,730.00
					TOTAL	2,585,585.00

SUMMARY OF REMAINING BIDDERS

ITEM	SECOND BID	SECOND AMOUNT	THIRD BID	THIRD AMOUNT	FOURTH BID	FOURTH AMOUNT	FIFTH BID	FIFTH AMOUNT
1	5,000.00	5000.00	3,000.00	3000.00	1,500.00	1500.00	3,000.00	3000.00
2	5,000.00	5000.00	500.00	500.00	745.00	745.00	9,500.00	9500.00
3	10,000.00	10000.00	7,000.00	7000.00	7,100.00	7100.00	7,100.00	7100.00
4	560,481.00	560481.00	82,000.00	82000.00	75,000.00	75000.00	123,000.00	123000.00
5	25,000.00	25000.00	5,000.00	5000.00	3,000.00	3000.00	4,000.00	4000.00
6	2.00	3840.00	3.50	6720.00	4.00	7680.00	2.00	3840.00
7	15.00	102000.00	9.00	61200.00	7.00	47600.00	9.50	64600.00
8	2,000.00	2000.00	1,500.00	1500.00	1,400.00	1400.00	1,500.00	1500.00
9	50.00	24000.00	60.00	28800.00	32.00	15360.00	40.00	19200.00
10	1,000.00	50000.00	650.00	32500.00	350.00	17500.00	650.00	32500.00
11	3,000.00	90000.00	2,900.00	87000.00	3,700.00	111000.00	2,900.00	87000.00
→ 12	→ 68.00	1509600.00	→ 93.00	2064600.00	→ 91.50	2031300.00	→ 99.00	2197800.00
13	20.00	36000.00	14.00	25200.00	20.00	36000.00	9.00	16200.00
14	10,000.00	10000.00	10,000.00	10000.00	13,000.00	13000.00	4,500.00	4500.00
15	1.00	110.00	600.00	66000.00	500.00	55000.00	700.00	77000.00
16	.00	0.00	.00	0.00	.00	0.00	.00	0.00
17	30.00	5400.00	30.00	5400.00	30.00	5400.00	35.00	6300.00
18	.35	77350.00	.35	77350.00	.45	99450.00	.35	77350.00
19	1.00	6500.00	.65	4225.00	1.22	7930.00	.80	5200.00
20	4.00	7680.00	3.00	5760.00	5.80	11136.00	5.30	10176.00
21	.25	22300.00	.25	22300.00	.17	15164.00	.20	17840.00
22	.25	605.00	.25	605.00	.17	411.40	.25	605.00
23	2.50	12300.00	3.00	14760.00	3.05	15006.00	3.00	14760.00
24	500.00	500.00	1,000.00	1000.00	500.00	500.00	1,000.00	1000.00
25	15,000.00	15000.00	15,000.00	15000.00	18,700.00	18700.00	19,000.00	19000.00
26	286,000.00	286000.00	250,000.00	250000.00	287,000.00	287000.00	277,000.00	277000.00
TOT		2,866,666.00		2,877,420.00		2,883,882.40		3,079,971.00

SUMMARY OF REMAINING BIDDERS

ITEM	SIXTH BID	AMOUNT
1	6,500.00	6500.00
2	5,000.00	5000.00
3	8,000.00	8000.00
4	117,250.00	117250.00
5	8,000.00	8000.00
6	2.00	3840.00
7	4.17	28356.00
8	1,500.00	1500.00
9	11.60	5568.00
10	700.00	35000.00
11	2,890.00	86700.00
12	114.55	2543010.00
13	8.75	15750.00
14	12,500.00	12500.00
15	535.00	58850.00
16	.00	0.00
17	35.00	6300.00
18	.35	77350.00
19	.80	5200.00
20	4.00	7680.00
21	.26	23192.00
22	.26	629.20
23	2.75	13530.00
24	1,000.00	1000.00
25	18,700.00	18700.00
26	170,700.00	170700.00
TOT		3,260,105.20

PLACE HOT MIX ASPHALT DIKE

STATION	Loc	TYPE C Std	TYPE C Mod	TYPE D Std	TYPE E Std	TYPE E Mod	TYPE F Std	TYPE F Mod	HOT MIX ASPHALT (Misc AREA)	HOT MIX ASPHALT (TYPE A)
					LF				SQYD	TON
"M" 77+50.00 TO "GL1" 89+50.00	Lt			315	80	803			-	52
"M" 86+75.57 TO 88+55.13	Lt					179				7
"M" 88+55.13 TO 99+50.39	Lt				1197				27	30
"M" 99+50.39 TO 100+00.39	Lt						50		4	2
"M" 100+00.39 TO 100+81.48	Lt	81							6	2
"GL1" 80+30.00 TO 91+61.91	Rt									2
"GL1" 91+81.81 TO 93+00.00	Rt				132					4
"GL1" 95+00.00 TO 98+35.00	Rt							139		3
"GL1" 98+35.00 TO 100+34.83 (HSG)	Rt				135					4
"JW" 51+44.83 TO 52+80.00	Lt				400					11
"JW" 55+76.98 TO 56+39.92	Lt					135				6
"JW" 56+39.62 TO 57+02.58	Lt							63		2
"JW" 57+02.58 TO 59+94.98	Lt		66							1
"JW" 66+94.40 TO 75+35.00 (HSG)	Rt					249				10
"JW" 93+10.97 TO 94+08.80	Rt				875					34
"JW" 94+08.80 TO 98+51.27	Rt						98			2
"JW" 98+51.27 TO "JW" 100+01.20	Rt				543					15
"JW" 100+01.20 TO "JW" 100+38.21	Rt					50				1
"GL2" 100+88.29 TO 101+22.85	Lt	37								1
"GL2" 101+22.85 TO 101+61.05	Lt					25				1
"GL2" 102+79.98 TO 105+00.00	Lt	72								1
"BP" 66+00.00 TO 76+24.45 (SIDE GUTTER)	Rt				228					7
"BP" 76+30.99 TO 85+46.91	Rt				925					26
"C" 17+18.33 TO 80+52.62	Lt				856				18	26
"C" 90+59.52 TO 91+11.74	Lt	65					335			5
"C" 91+11.74 TO 96+30.00	Lt									1
"C" 01+20.68 TO 91+31.84 (HSG)	Lt				532					15
"C" 92+90.71 TO 93+62.50	Rt	72			1011					28
"C" 93+52.50 TO 94+00.00	Rt									1
"GR1" 12+23.19 TO 16+50.47	Rt						38			1
SUB-TOTAL		327	66	315	7307	1364	596	201	56	306
TOTAL		392		315	8673		797		56	306

#. (HSG) DENOTES HIGH SIDE GUTTER

PLACE HOT MIX ASPHALT (MISCELLANEOUS AREA)

STATION	Loc	HOT MIX ASPHALT (Misc AREA)	HOT MIX ASPHALT (TYPE A)	CLASS 2 AGGREGATE BASE
		SQYD	TON	CY
"JW" 81+19.69 TO 88+09.61	Lt	1617	262	270
"JW" 95+00.00 TO 103+81.28	Lt	1146	200	191
"GL2" 103+84.18 TO 109+55.45	Rt	186	30	28
"M" 100+62.50 TO 102+42.32	Lt	592	104	99
"JW" 64+74.49 TO 66+54.40	Rt	136	24	23
"S" 77+18.33 TO 78+84.10	Lt	176	30	29
FROM DRAINAGE		30	1.88	
FROM PLACE HOT MIXED ASPHALT DIKE		56		
TOTAL		3915	671.88	640

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
04	Sol	12,80	2.1/2.8, 12.0/13.1	381	597

REGISTERED CIVIL ENGINEER — DATE 1-31-13

5-6-13
PLANS APPROVAL DATE

THE STATE OF CALIFORNIA OR ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF SCANNED COPIES OF THIS PLAN SHEET.

M. J. LOMAN — No. 39727 — Exp. 12-31-13 — CIVIL — STATE OF CALIFORNIA

MARK THOMAS & COMPANY, INC.
+ MELTE ASSOCIATES, INC.
3000 OAK ROAD, SUITE 650
WALNUT CREEK, CA 94597

SOLANO TRANSPORTATION AUTHORITY
ONE HARBOR CENTER, SUITE 130
SUISUN CITY, CA 94585

EARTHWORK SUMMARY

ALIGNMENT	ROADWAY EXCAVATION	ROCK EXCAVATION	EMBANKMENT (N)	IMPORTED BORROW	ROADWAY EXCAVATION (TYPE Y-1)(AERIALLY DEPOSITED LEAD)
			CY		
"M"	23041		19041	19041	1273
"JW" (2)	~~62970~~ 65770	25411	193885	140361	
"D"	6		13814	13814	
"S"	204		97131	96027	
"GL1"	3002		23555	20551	
"GL2"	1159		14415	13236	
"BP"	581		19385	19104	
"C"	7881		82028	82028	
"CU"	650		11730	11730	
"GR1"	442		5450	5008	
"A"	38		244	206	
"AW"	29		100	71	
BIOFILTRATION BASIN	7213				
SUB-TOTAL	~~103216~~ 110016	25411	480516	421597	1273
SUBSIDENCE (2)			48058	42160	
TOTAL	~~107916~~ 110016	25411	~~528634~~ 528634	463757	1273

(N) - NOT A SEPARATE PAY ITEM, FOR INFORMATION ONLY

Total Roadway Excavation (CY) = 110,016 + 25,411= 135,427 CY

Total Embankment (CY) = 528,634 CY

Total Import Required (CY) = 528,634 – 135,427 = 393,207 CY

Caltrans Calculated Imported Borrow = 463,757 CY → BID ITEM 79

Imported Borrow Overage = 70,550 CY

(The above numbers include the 10% compaction and subsidence)

R

SHEET NUMBER	HOT MIX ASPHALT (OPEN GRADED)	RUBBERIZED HOT MIX ASPHALT (GAP GRADED)	HOT MIX ASPHALT (TYPE A)	JOINTED PLAIN CONCRETE PAVEMENT	LEAN CONCRETE BASE
		TON			
L-1	470	928	1085		654
L-2	381	1957	3889	4125	2329
L-3	103	751	1574	6818	2335
L-4	925	1153	2762		862
L-5	635				
L-6	757	1514	311		178
L-7	591	1183	2604		1267
L-8	524	1234	3556		1644
L-9			119		
L-10		511	1888	19	
L-11		269	530		
L-12		1075	1808		
ACCESS ROAD-DRAINAGE BASIN					
SAFETY EDGE	208			73	85
HMA (Var DEPTH)			8300		
FROM PLACE HMA DIKE			306		
TEMPORARY PAVEMENT			6287		
FROM PLACE HMA (Misc AREA)			671.88		
FROM MINOR CONCRETE (Misc)					
TOTAL	4594	10515	33798.88	10835	9352

CONCRETE BLOCK WALL

STATION	LOCATION	CONCRETE BLOCK WALL
		SQFT
"AW" 10+80 TO 11+10.00	Lt	80
"AW" 10+80 TO 11+34.95	Rt	141
TOTAL		221

TEMPORARY MECHANICALLY STABILIZED EMBANKMENT

STATION	SQFT
"C" 68+91.00 TO 68+88.00	1750
"C" 70+76.40 TO 70+48.50	1060
"C" 71+18.20 TO 71+49.80	3260
"C" 75+21.90 TO 71+21.90	2580
"C" 78+42.50 TO 79+56.50	6320
TOTAL	15770

(2) REPLACED PER ADDENDUM No. 2 DATED NOVEMBER 8, 2013

SUMMARY OF QUANTITIES

Q-1

STATE OF CALIFORNIA – DEPARTMENT OF TRANSPORTATION | CONSULTANT FUNCTIONAL SUPERVISOR: MICHAEL J. LOMAN | CALCULATED/DESIGNED BY: J. W. PANGBURN | CHECKED BY: K. W. BROGAN | REVISED BY | DATE REVISED

GSO
GOLDEN STATE OVERNIGHT

WebShip
800-322-5555 www.gso.com

Ship From:
MARK TANIGUCHI
DEPT OF TRANSPORTATION OE
1727 30TH ST #MS43
SACRAMENTO, CA 95816

Ship To:
THOMAS SMITH, ESTIMATING MANAGER
GHILOTTI CONSTRUCTION COMPANY
246 GHILOTTI AVENUE
SANTA ROSA, CA 95407

COD:
$0.00

Reference:
04-0A5344

Delivery Instructions:

Signature Type:
SIGNATURE REQUIRED

Tracking #: 524189472

CPS

RPK

S

SANTA ROSA

D95407A

22412817

Print Date : 03/19/14 16:08 PM

1 of 1

Send Label To Printer | Print All | Edit Shipment | Finish

LABEL INSTRUCTIONS:

Do not copy or reprint this label for additional shipments - each package must have a unique barcode.

STEP 1 - Use the "Send Label to Printer" button on this page to print the shipping label on a laser or inkjet printer.

STEP 2 - Fold this page in half.

STEP 3 - Securely attach this label to your package, do not cover the barcode.

STEP 4 - Request an on-call pickup for your package, if you do not have scheduled daily pickup service or Drop-off your package at the nearest GSO drop box. Locate nearest GSO dropbox locations using this link.

ADDITIONAL OPTIONS:

Send Label Via Email | Create Return Label

TERMS AND CONDITIONS:

By giving us your shipment to deliver, you agree to all the service terms and conditions described in this section.
Our liability for loss or damage to any package is limited to your actual damages or $100 whichever is less, unless you pay for and declare a higher authorized value. If you declare a higher value and pay the additional charge, our liability will be the lesser of your declared value or the actual value of your loss or damage. In any event, we will not be liable for any damage, whether direct, incidental, special or consequential, in excess of the declared value of a shipment whether or not we had knowledge that such damage might be incurred including but not limited to loss of income or profit. We will not be liable for your acts or omissions, including but not limited to improper or insufficient packaging, securing, marking or addressing. Also, we will not be liable if you or the recipient violates any of the terms of our agreement. We will not be liable for loss, damage or delay caused by events we cannot control, including but not limited to acts of God, perils of the air, weather conditions, act of public enemies, war, strikes, or civil commotion. The highest declared value for our GSO Priority Letter or GSO Priority Package is $500. For other shipments the highest declared value is $10,000 unless your package contains items of "extraordinary value", in which case the highest declared value we allow is $500. Items of "extraordinary value" include, but or not limited to, artwork, jewelry, furs, precious metals, tickets, negotiable instruments and other items with intrinsic value.

GSO
GOLDEN STATE OVERNIGHT

WebShip
800-322-5555 www.gso.com

Ship From:
MARK TANIGUCHI
DEPT OF TRANSPORTATION OE
1727 30TH ST #MS43
SACRAMENTO, CA 95816

Ship To:
ERIC STANNARD
TEICHERT/RNR JV
2427 COUNTY ROAD 100A
DAVIS, CA 95616

COD:
$0.00

Reference:
04-0A5344

Delivery Instructions:

Signature Type:
SIGNATURE REQUIRED

Tracking #: 524189364

CPS

SMF

C

DAVIS

N95616A

22412606

Print Date : 03/19/14 16:06 PM

1 **of 1**

Send Label To Printer ☑ Print All Edit Shipment Finish

LABEL INSTRUCTIONS:

Do not copy or reprint this label for additional shipments - each package must have a unique barcode.

STEP 1 - Use the "Send Label to Printer" button on this page to print the shipping label on a laser or inkjet printer.

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GSO
GOLDEN STATE GUARANTEE

< WebShip > > > > >
800-322-5555 www.gso.com

Ship From:
MARK TANIGUCHI
DEPT OF TRANSPORTATION OE
1727 30TH ST #MS43
SACRAMENTO, CA 95816

Ship To:
RICHARD B. GATES
DESILVA GATES - VIKING JV
11555 DUBLIN BOULEVARD
DUBLIN, CA 94568

COD:
$0.00

Reference:
04-0A5344

Delivery Instructions:

Signature Type:
SIGNATURE REQUIRED

Tracking #: 524189312

CPS

OAK E

DUBLIN

D94568A

22412500

Print Date : 03/19/14 16:04 PM

1 of 1

Send Label To Printer | ☑ Print All | Edit Shipment | Finish

LABEL INSTRUCTIONS:

Do not copy or reprint this label for additional shipments - each package must have a unique barcode.

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TERMS AND CONDITIONS:

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