

**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 2, 2013

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

RE: Contract No. 04-0A5344, 04-Sol-80, 12-Var  
B.O. 11/20/13  
Response to Bid Protest Letter

Dear Mr. McMillan:

This letter is in response to your letter dated 26 November 2013 on the above referenced project.

DeSilva Gates-Viking JV's (DGC-V) bid is not mathematically and materially unbalanced to the detriment of the California Department of Transportation (Caltrans). A nominal bid price for one bid item does not and has not rendered a bid nonresponsive. The State routinely awards contracts to Contractors who have bid a nominal price for an individual bid item. (See Attached Caltrans Awarded Contracts with Nominal Unit Prices table)

With respect to Bid Item 79 (Imported Borrow), there was 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 has no cost to deliver and place the borrow required for this project. DGC-V's price for Item No. 79 is a financial benefit to Caltrans.

Please respond to Teichert Construction's e-mail dated 25 November 2013 that their position is without merit and proceed to award Contract 04-0A5344 to DeSilva Gates-Viking JV, the lowest responsive and responsible bidder.

Very truly yours,

DESILVA GATES -VIKING  
By, DeSilva Gates Construction



Richard B. Gates  
President

Caltrans Awarded Contracts with Nominal Unit Prices

Contract No.	Date Awarded	Bid Item No.	Bld Item Description	Estimated Quantity	Unit	Unit Price	Total
04-0A1854	2/12/2013	76	Imported Borrow	109,000	CY	\$ 0.01	\$ 1,090.00
06-360214	12/6/2012	74	Tack Coat	280	TN	\$ 24.00	\$ 6,720.00
04-3A23U4	12/3/2012	89	Imported Borrow	105,000	CY	\$ 1.00	\$ 105,000.00
04-2640U4	11/1/2012	113	Imported Borrow	255,000	CY	\$ 1.00	\$ 255,000.00
04-4A0104	10/26/2012	68	Tack Coat	480	TN	\$ 1.00	\$ 480.00
06-325504	10/24/2012	58	Imported Borrow	203,000	CY	\$ 1.00	\$ 203,000.00
		70	Tack Coat	37	TN	\$ 1.00	\$ 37.00
06-442624	10/10/2012	79	Tack Coat	33	TN	\$ 1.00	\$ 33.00
03-406604	10/1/2012	63	Tack Coat	37	TN	\$ 100.00	\$ 3,700.00
04-3A9214	9/14/2012	91	Imported Borrow	51,600	CY	\$ 2.00	\$ 103,200.00
		124	Tack Coat	140	TN	\$ 100.00	\$ 14,000.00
04-264074	9/14/2012	80	Imported Borrow	97,000	CY	\$ 0.01	\$ 970.00
12-0E3104	8/22/2012	81	Imported Borrow	33,500	CY	\$ 0.10	\$ 3,350.00
05-330774	5/18/2012	5	Temporary Fiber Roll	121,000	LF	\$ 0.01	\$ 1,210.00
		6	Temporary Silt Fence	59,200	LF	\$ 0.01	\$ 592.00
		8	Temporary Check Dam	67,100	LF	\$ 0.01	\$ 671.00
		81	Tack Coat	170	TN	\$ 10.00	\$ 1,700.00
10-415704	4/6/2012	102	Tack Coat	68	TN	\$ 1.00	\$ 68.00
04-0C7404	2/3/2012	31	Tack Coat	2,570	TN	\$ 0.01	\$ 25.70
04-0A5354	1/25/2012	68	Imported Borrow	145,000	CY	\$ 0.50	\$ 72,500.00
06-0E0704	12/21/2011	32	Imported Borrow	22,800	CY	\$ 0.01	\$ 228.00
04-290834	8/5/2009	88	Rubberized AC Type O	19,800	TONN	\$ 9.00	\$ 178,200.00

NO. 3705 P. 2

Dec 2 2013 04:20am

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