



General Engineering Contractors - Excavating, Paving, Grading, Concrete

525 JACOBY STREET • SAN RAFAEL, CA 94901 • TELEPHONE (415) 454-7011 FAX (415) 454-8376

STATE CONTRACTORS LICENSE # 13212

October 1, 2014

John C. McMillan, Deputy Division Chief
Department of Transportation, Div of Engineering Services
Office Engineer, MS 43
1727 30th Street
P.O. Box 168041
Sacramento, CA 94581-08041

RE: GBI Bid No. SMC14384
04-0G2224 Curb Ramps Various Location San Mateo Co

SUBJECT: Bid Protest

Dear Mr. McMillan:

Please consider this letter to be a formal protest of the bid submitted by Granite Rock Company (GRC) on Project 04-0G2224. The bid submitted by GRC is nonresponsive and must be rejected by the Department based on the contract specifications, the Department's longstanding practices and applicable law.

GRC and all other bidders received the attached quotation from Super Seal and Stripe (SSS) from Fillmore, CA that included bid items 14, 32 and 45 pavement marking work. On the original submitted subcontractor list, GRC committed a bidder error when identifying SSS to perform work as described in bid item numbers 14, 32 and 44. GRC committed a bidder error when it did not list SSS to perform bid item 45, Thermoplastic Crosswalk & Pavement Marking work but listed bid item 44, Temporary Fence (Type CL-6 Slated). Note that SSS holds only a C32, Parking and Highway Improvement contractor's license and is therefore not properly licensed to perform C13 Fencing work.

In its bid, GRC enters bid item numbers as their method to identify the Description of Portion of Work for its subcontractors. GRC establishes in its bid day submittal a procedure to leave the Percentage of Bid Item Subcontracted blank when the subcontractor is performing 100% of the bid item work and enters "partial" when the subcontractor is performing only a part of the bid item work.

GRC left the Percentage of Bid Item Subcontracted blank for the SSS 14, 32 and 44 series of bid items. Following the subcontractor listing procedure that GRC established in its own bid, GRC identified SSS in its original submitted subcontractor list to perform 100% of the work listed in all three of these bid items. However, on the 24 hour submission of subcontractor list submitted

on September 11, 2014, GRC identified the percentage of subcontracted work as 1%, not 100%, for Bid Item 44 to be performed by SSS. This 1% listing equates to a dollar amount of \$25.00.

GRC appears to have realized their subcontractor listing error when they did not list SSS for bid item 45 work and incorrectly listed them for item 44 work. GRC sought to correct this error by changing their listing from a bid day submittal of 100% to a 24 hour submittal of a nominal 1%. SSS did not quote item 44 work and it would be entirely unreasonable to argue that SSS could actually perform 1%, or \$25.00 worth of Temporary Fence (Type CL-6 Slated) work on this project. The change from 100% to 1% constitutes an improper change to the subcontractor list form.

In a letter dated May 10th, 2013 for Contract 03-4M4904, Caltrans found the bid of J McLoughlin (JML) non-responsive for a similar situation. Caltrans determined that a change by JML in its bid from partial to 100 percent constituted an improper change to the subcontractor list form. In its 24 hour submission, GRC has made a change to its listing of SSS for bid item 44 work from 100 percent to partial which constitutes an improper change that is the same as the change made by JML in which their bid was determined by Caltrans to be non-responsive.

Changing the subcontractor listing of SSS from 100 percent of bid item 44 work to 1 percent of bid item 44 work creates a revised "Subcontractor List" and is in violation of the Subletting and Subcontracting Fair Practices Act of the Public Contract Code. The bid submitted by GRC should be determined to be nonresponsive by the Department and award should be made to our firm as the lowest responsive bidder.

Respectfully,



Thomas G. Barr
Vice President of Estimating

Faxed to 916-227-6282

[Home](#) | [Online Services](#) | License Details

Contractor's License Detail for License # 396627

DISCLAIMER: A license status check provides information taken from the CSLB license database. Before relying on this information, you should be aware of the following limitations. [\(hide/show disclaimer\)](#)

CSLB complaint disclosure is restricted by law [\(B&P 7124.6\)](#) If this entity is subject to public complaint disclosure, a link for complaint disclosure will appear below. Click on the link or button to obtain complaint and/or legal action information.

Per [B&P 7071.17](#), only construction related civil judgments reported to the CSLB are disclosed.

Arbitrations are not listed unless the contractor fails to comply with the terms of the arbitration.

Due to workload, there may be relevant information that has not yet been entered onto the Board's license database.

Business Information

SUPER SEAL & STRIPE
P O BOX 755
FILLMORE, CA 93016-0755
Business Phone Number:(805) 524-7345

Entity Corporation
Issue Date 12/26/1980
Expire Date 12/31/2014

License Status

This license is current and active.

All information below should be reviewed.

Check A License - License Detail - Contractors State License Board

Classifications

C32 - PARKING AND HIGHWAY IMPROVEMENT

Bonding Information

Contractor's Bond

This license filed a Contractor's Bond with AMERICAN CONTRACTORS INDEMNITY COMPANY.
Bond Number: SC902713
Bond Amount: \$12,500
Effective Date: 03/02/2009
Contractor's Bond History

Bond of Qualifying Individual

The Responsible Managing Officer (RMO) HAMPTON-ORTIZ BRENDA SUE certified that he/she owns 10 percent or more of the voting stock/equity of the corporation. A bond of qualifying individual is **not** required.
Effective Date: 08/09/1991

Workers' Compensation

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
Contract No.: 04-0G2224 Project ID: 0413000471
Bidder Name: Granite Rock Company
SUBCONTRACTOR LIST
DES-OE-0102, 2B (REV 5/2014)

Bidder ID: VC0000017415

Bidding Firm: Granite Rock Company

Under Public Contract Code § 4100 et seq., the Bidder must set forth in the bid the name, the location of the place of business, the California contractor license number, and the portion of work of each subcontractor who will perform work or labor or render service to the prime contractor in or about the construction of the work or improvement, or a subcontractor licensed by the State of California who, under subcontract to the prime contractor, specially fabricates and installs a portion of the work or improvement according to detailed drawings contained in the plans and specifications, in an amount in excess of one-half of 1 percent of the prime contractor's total bid or ten thousand dollars (\$10,000), whichever is greater.

The Bidder must submit within 24 hours of the bid opening the bid item numbers with percentages of the portion of work subcontracted.

a Not required on contracts with Federal-Aid.

List this sub? Yes

1) Business Name: KRC Safety
Location City: Visalia State: CA
California Contractor License Number (a) 507950
Description of Portion of Work

Work as described in bid item 2
Bid Item Numbers

2
Percentage of Bid Item Subcontracted

4 (Blank = 100%)
Bid Item Numbers

Percentage of Bid Item Subcontracted

09/11/2014 11:03 FAX
STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
Contract No.: 04-0G2224 Project ID: 0413000471
Bidder Name: Granite Rock Company
SUBCONTRACTOR LIST
DES-OB-0102.2B (REV 5/2014)

Sep 11 2014 12:05pm

002/005

Bidding Firm: Granite Rock Company

Under Public Contract Code § 4100 et seq., the Bidder must set forth in the bid the name, the location of the place of business, the California contractor license number, and the portion of work of each subcontractor who will perform work or labor or render service to the prime contractor in or about the construction of the work or improvement, or a subcontractor licensed by the State of California who, under subcontract to the prime contractor, specially fabricates and installs a portion of the work or improvement according to detailed drawings contained in the plans and specifications, in an amount in excess of one-half of 1 percent of the prime contractor's total bid or ten thousand dollars (\$10,000), whichever is greater.

The Bidder must submit within 24 hours of the bid opening the bid item numbers with percentages of the portion of work subcontracted.

a Not required on contracts with Federal-Aid.

List this sub? Yes

1) Business Name: KRC Safety
Location City: Visalia State: CA
California Contractor License Number (a) 507950
Description of Portion of Work

Work as described in bid item 2
Bid Item Numbers

2
Percentage of Bid Item Subcontracted
* 100 (100% confirmed)
Bid Item Numbers

Percentage of Bid Item Subcontracted
Bid Item Numbers

Percentage of Bid Item Subcontracted
Bid Item Numbers

Percentage of Bid Item Subcontracted
Bid Item Numbers

Percentage of Bid Item Subcontracted

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 04-0G2224 Project ID: 0413000471

Bidder Name: Granite Rock Company

Bidder ID: VC0000017415

List this sub? Yes

2) Business Name Bradley Electric

Location City Novato State CA

California Contractor License Number (a) 390741

Description of Portion of Work

Work as described in bid item 39,40,41,46

Bid Item Numbers

39,40,41

Percentage of Bid Item Subcontracted

* (Blank = 100%)

Bid Item Numbers

46

Percentage of Bid Item Subcontracted

partial

Bid Item Numbers

Percentage of Bid Item Subcontracted

Bid Item Numbers

Percentage of Bid Item Subcontracted

Bid Item Numbers

Percentage of Bid Item Subcontracted

List this sub? Yes

3) Business Name Adanta

Location City Napa State CA

California Contractor License Number (a) none

Description of Portion of Work

Work as described in bid item 1

Bid Item Numbers

1

Percentage of Bid Item Subcontracted

partial

Bid Item Numbers

Percentage of Bid Item Subcontracted

09/11/2014 11:03 FAX

Received

EST MONTEREY

Sep 11 2014 12:06pm

003/005

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 04-0G2224 Project ID: 0413000471

Bidder Name: Granite Rock Company

Bidder ID: VC0000017415

List this sub? Yes

2) Business Name: Bradley Electric

Location City: Novato State: CA

California Contractor License Number (a) 390741

Description of Portion of Work

Work as described in bid item 39,40,41,46

Bid Item Numbers

39,40,41

Percentage of Bid Item Subcontracted

* 100,100,100 (100% Confirmed)

Bid Item Numbers

46

Percentage of Bid Item Subcontracted

39

Bid Item Numbers

Percentage of Bid Item Subcontracted

Bid Item Numbers

Percentage of Bid Item Subcontracted

Bid Item Numbers

Percentage of Bid Item Subcontracted

List this sub? Yes

3) Business Name: Adanta

Location City: Napa State: CA

California Contractor License Number (a) none

Description of Portion of Work

Work as described in bid item 1

Bid Item Numbers

1

Percentage of Bid Item Subcontracted

21

Bid Item Numbers

Percentage of Bid Item Subcontracted

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 04-0G2224 Project ID: 0413000471

Bidder Name: Granite Rock Company

Bidder ID: VC0000017415

List this sub? Yes

4) Business Name Harris Rebar

Location City Livermore State CA

California Contractor License Number (a) 695035

Description of Portion of Work

Work as described in bid item 42

Bid Item Numbers

42

Percentage of Bid Item Subcontracted

partial

Bid Item Numbers

Percentage of Bid Item Subcontracted

List this sub? Yes

5) Business Name Super Seal and Stripe

Location City Fillmore State CA

California Contractor License Number (a) 396627

Description of Portion of Work

Work as described in bid item 1,14,32,44,46

Bid Item Numbers

1

Percentage of Bid Item Subcontracted

partial

Bid Item Numbers

14,32,44

Percentage of Bid Item Subcontracted

* (Blank = 100%)

Bid Item Numbers

46

Percentage of Bid Item Subcontracted

partial

Bid Item Numbers

Percentage of Bid Item Subcontracted

Bid Item Numbers

Percentage of Bid Item Subcontracted

09/11/2014 11:03 FAX

Received

EST MONTEREY

Sep 11 2014 12:06pm

004/005

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 04-0G2224 Project ID: 0413000471

Bidder Name: Granite Rock Company

Bidder ID: VC0000017415

List this sub? Yes

4) Business Name: Harris Rebar
Location City: Livermore State: CA
California Contractor License Number (a): 695035
Description of Portion of Work

Work as described in bid item 42

Bid Item Numbers

42

Percentage of Bid Item Subcontracted

35

Bid Item Numbers

Percentage of Bid Item Subcontracted

List this sub? Yes

5) Business Name: Super Seal and Stripe
Location City: Fillmore State: CA
California Contractor License Number (a): 396627
Description of Portion of Work

Work as described in bid item 1, 14, 32, 44, 46

Bid Item Numbers

1

Percentage of Bid Item Subcontracted

33

Bid Item Numbers

14, 32, 44

Percentage of Bid Item Subcontracted

100, 100, 1

Bid Item Numbers

46

Percentage of Bid Item Subcontracted

12.5

Bid Item Numbers

Percentage of Bid Item Subcontracted

Bid Item Numbers

Percentage of Bid Item Subcontracted

* 100, 100, 1 (#44 changed from 100% to 1%)

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 04-0G2224 Project ID: 0413000471

Bidder Name: Granite Rock Company

Bidder ID: VC0000017415

List this sub? Yes

6) Business Name Verux
Location City Sacramento State CA
California Contractor License Number (a) 955527
Description of Portion of Work

Work as described in bid item 9

Bid Item Numbers

9

Percentage of Bid Item Subcontracted

X (Blank = 100%)

Bid Item Numbers

Percentage of Bid Item Subcontracted

List this sub? Yes

7) Business Name D&S Trucking
Location City Castro Valley State CA
California Contractor License Number (a) none
Description of Portion of Work

Work as described in bid item 12,20,22,26,27,28,42

Bid Item Numbers

12,20,22,26,27,28,42

Percentage of Bid Item Subcontracted

partial,partial,partial,partial,partial,partial,partial

Bid Item Numbers

Percentage of Bid Item Subcontracted

09/11/2014 11:03 FAX

Received

EST MONTEREY

Sep 11 2014 12:06PM

005/005

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 04-0G2224 Project ID: 0413000471

Bidder Name: Granite Rock Company

Bidder ID: VC0000017415

List this sub? Yes

6) Business Name: Verux

Location City: Sacramento State: CA

California Contractor License Number (a): 955527

Description of Portion of Work

Work as described in bid item 9

Bid Item Numbers

9

Percentage of Bid Item Subcontracted

* 100 (100% confirmed)

Bid Item Numbers

Percentage of Bid Item Subcontracted

List this sub? Yes

7) Business Name: D&S Trucking

Location City: Castro Valley State: CA

California Contractor License Number (a): none

Description of Portion of Work

Work as described in bid item 12, 20, 22, 26, 27, 28, 42

Bid Item Numbers

12, 20, 22, 26, 27, 28, 42

Percentage of Bid Item Subcontracted

35, 11, 16, 24, 11, 12, 3

Bid Item Numbers

Percentage of Bid Item Subcontracted

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!*

May 10, 2013

Facsimile: (909) 944-3112

Joe McLoughlin, President
J. McLoughlin Engineering Co., Inc.
10641 Fulton Court
Rancho Cucamonga, CA 91730

03-4M4904
03-Yol, Sut-45,80,113-VAR
B.O. 04/17/2013

Dear Mr. McLoughlin:

The Department of Transportation (Caltrans) received a bid submitted by J. McLoughlin Engineering Co., Inc. (J. McLoughlin) for Contract No. 03-4M4904 on April 17, 2013. By this letter, Caltrans notifies J. McLoughlin that its bid is nonresponsive because the percentage of bid items subcontracted in column 3 is not consistent with the description of subcontracted work in column 4.

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."

On the original submitted Subcontractor List, J. McLoughlin identified Central Striping Service Inc., (CSS) as only performing work described as Stripe (partial). However, on the 24-hour submission of the Subcontractor List submitted on April 18, 2013, J. McLoughlin identified the percentage of subcontracted work as 100 percent for Bid Items 1, 9, 12, and 31-37 to be performed by CSS. The change from partial to 100 percent constitutes an improper change to the Subcontractor List form.

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

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 extend your bid while resolving a nonresponsive finding, you must send your request to the Office Engineer no later than 4:00 p.m., two business days prior to the expiration of your bid.

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

Sincerely,

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

Attachments