



O.C. Jones & Sons, Inc.  
General Engineering Contractor

February 20, 2014

VIA Facsimile 916-227-6282

John McMillan  
Deputy Division Chief  
Division of Engineering Services  
Office Engineer, MS 43  
1727 30<sup>th</sup> Street  
P.O. Box 168041  
Sacramento, CA 95816-8041

Re: Contract 04-153304  
Bids Opened: Feb. 4, 2014  
Protest of Bid of Bay Cities Paving and Grading, Inc.

Dear Mr. McMillan,

O.C. Jones & Sons, Inc. (OCJ) was the second monetary bidder on the above referenced project. With this letter, we protest the bid submitted by Bay Cities Paving and Grading, Inc. (BCP), the lowest monetary bidder, for failing to comply with the mandatory requirements for the completion of the Subcontractor List on this contract. The bid of BCP bid must be rejected as nonresponsive and ineligible for award of this contract.

The Subcontractor List states in part, ... "Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916)227-6282 within 24 hours after the bid opening. Failure to provide complete information in columns 1 through 4 within the time specified will result in a nonresponsive bid." No other revisions to the form are allowed. On the date of the bid, BCP submitted the Subcontractor List (Attachment 1) with its bid, completing columns 1 and 4. Subsequently BCP submitted the Subcontractor List (Attachment 2), within twenty-four hours of the bid time, completing columns 2 and 3. BCP's Subcontractor List (Attachment 2) is deficient in that the percentage of work in column 3 is blank for the subcontractor named Adanta of Napa. Clearly the Subcontractor List requires that the bidder "provide complete information in columns 1 through 4".

Accepting a bid with a blank percentage in column 3 would not only set a difficult precedent for future contract bids, but it also gives BCP an unfair advantage on this contract. Allowing a blank percentage

1520 Fourth Street, Berkeley, California 94710-1774 • Phone: (510) 526-3424

FAX: Estimating - (510) 526-0990 Engineering - (510) 525-0457

AN EQUAL OPPORTUNITY EMPLOYER

No. 7471 P. 2

Feb 20 2014 01:05pm

Received  
Feb. 20. 2014 1:04PM

in column 3 would enable BCP to subcontract all of the work, a portion of the work, or possibly none of the work to the listed subcontractor, Adanta. If the State (Caltrans) accepts a blank percentage it would also enable BCP to seek and negotiate with other subcontractors for this work, which is the exact activity that Caltrans is hoping to avoid by requiring the proper listing of subcontractors and their corresponding percentage of work for each item listed.

Caltrans has a duty to not only enforce its bid requirements, but more importantly, to act in a fair and uniform manner. Accordingly, BCP has violated Caltrans' requirements leaving a blank entry in one of the required fields of the Subcontractor List, and must be rejected as nonresponsive.

We request that Caltrans uphold this protest and award the contract to O.C. Jones & Sons, Inc., the lowest responsive bidder.

If you have any questions or require additional information, please contact me.

Sincerely,  
O.C. Jones & Sons, Inc



Greg Sodder  
Secretary

Enclosure: Attachments 1 and 2

1912-2012  
**OFFICE ENGINEER**  
100 Years of Construction Leadership Excellence

04

REVIEW  
DK TM



**Caltrans**

STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION

# BID

FOR CONSTRUCTION ON STATE HIGHWAY IN SANTA CLARA COUNTY AT VARIOUS  
LOCATIONS FROM SAN BENITO COUNTY LINE TO ROUTE 85/101 INTERCHANGE

In District 04 On Route 101

Under

Notice to Bidders and Special Provisions dated November 25, 2013

Standard Specifications dated 2010

Project plans approved April 22, 2013

Standard Plans dated 2010

Identified by

Contract No. 04-153304

04-SCI-101-0.0/26.7

Project ID 0400020304

Federal-Aid Project

ACNHP-0101(234)E

CML-6204(110)E

## Electronic Advertising Contract

Bids open Tuesday, February 4, 2014

Dated November 25, 2013

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
BID TO THE DEPARTMENT OF TRANSPORTATION  
DES-OE-0102.1 (REV. 3/2011)

CONTRACT NO. 04 - 153304

NAME OF BIDDER Bay Cities Paving & Grading Inc.

BUSINESS P.O. BOX 6227

CITY, STATE, ZIP Concord CA 94520

BUSINESS STREET ADDRESS 1450 C.Vic Ct.

(include even if P.O. Box used)

CITY, STATE, ZIP Concord CA 94520

TELEPHONE NO: AREA CODE (925) 687-6666

FAX NO: AREA CODE (925) 687-2122

CONTRACTOR LICENSE NO. 730650

1. Bidder agrees, if this bid is accepted, to enter into a contract with the Department, in the form included in the Standard Specifications, to perform the work provided in the Contract under the terms of the Contract for the price or prices bid.

For a lump sum or unit price based bid, Bidder additionally agrees to perform the work within the number of working days shown on the Notice to Bidders.

For a cost plus time based bid on a contract without a plant establishment period, Bidder additionally agrees to perform the work within the number of working days bid.

For a cost plus time based bid on a contract with a plant establishment period, Bidder additionally agrees to perform the non-plant establishment work within the number of working days bid for non-plant establishment work.

2. For a lump sum based bid, Bidder submits this bid with a total price in the total bid space provided on the Bid Item List. For a unit price or cost plus time based bid, Bidder submits this bid with a unit price and the item total (the product of the unit price and the quantity) for each item and a total price (the sum of the item totals) in the spaces provided on the attached Bid Item List. For a unit price with additive item based bid, Bidder submits this bid with a unit price and an item total for each item and a total base bid (the sum of the item totals) and the additive items in the spaces provided on the attached Bid Item List. Additionally, for a cost plus time based bid, Bidder submits this bid with working days bid for non-plant establishment work, total bid for time, and total bid for bid comparison in the spaces provided on the Bid Item List. Bidder agrees:
  - 2.1. If a discrepancy between the unit price and the item total exists, the unit price prevails except:
    - 2.1.1. If the unit price is illegible, omitted, or the same as the item total, item total prevails and the unit price is the quotient of the item total and the quantity.
    - 2.1.2. If a decimal error is apparent in the product of the unit price and the quantity, the Department will use either the unit price or item total based on the closest by percentage to the unit price or item total in the Department's Final Estimate.
  - 2.2. If the unit price and the item total are illegible or are omitted, the bid may be determined nonresponsive. If a lump sum total price is illegible or is omitted, the bid may be determined nonresponsive.
  - 2.3. Bids on lump sum items are item totals. If a unit price for a lump sum item is entered and it differs from the item total, the item total prevails.
  - 2.4. Entries are to be expressed in dollars or decimal fractions of a dollar. Symbols such as commas and dollar signs are ignored and have no significance in establishing unit price or item total.
  - 2.5. Unit prices and item totals are interpreted by the number of digits and decimal placement. Do not round item totals or the total bid.

Contract No. 04-153304

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
**BID TO THE DEPARTMENT OF TRANSPORTATION**  
DES-OE-0102.1 (REV. 3/2011)

- 2.6. For a lump sum based bid, the item total is the bid amount the Department uses for bid comparison.  
For a unit price based bid, the sum of the item totals is the bid amount the Department uses for bid comparison.  
For a cost plus time based bid, the sum of the item totals and the total bid for time is the bid amount the Department uses for bid comparison.

2.7. The Department's decision on the bid amount is final.

3. Bidder has and acknowledges the following addenda:

1

4. Bidder submits this bid with one of the following forms of bidder's security equal to at least 10 percent of the bid:

Cash \$ \_\_\_\_\_, Cashiers Check, Certified Check, Bidder's Bond

5. Bidder's signature is an affirmation of the included certifications. Bidder is cautioned that making a false certification may result in one or more of the following:

- 5.1. Criminal prosecution
- 5.2. Rejection of the bid
- 5.3. Rescission of the award
- 5.4. Termination of the Contract

BY (Authorized Signature)

DATE SIGNED (Do not type)

2/4/2014

PRINTED NAME AND TITLE OF PERSON SIGNING

Benjamin J. Rodriguez Jr. - President

**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 Records and Form Management, 1120 N Street, MS-88, Sacramento, CA 95814.

Contract No. 04-153304

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
**SUBCONTRACTOR LIST**  
 DES-0E-0102.2 (REV 3/2011)

Bidder Name: Bay Cities Paving & Grading

The bidder must identify each subcontractor performing work in an amount in excess of 1/2 of 1 percent of the total bid or \$10,000, whichever is greater (Pub Cont Code § 4100 et seq.). Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916) 227-0262 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.

Column 1: Business Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
KRC Safety Visalia, CA			Construction Area Signs Type III Barricade Temp Crash Cushion Roadside Signs Furnish Single Sheet Aluminum Sign Delimiters, Markers
FBD Vanguard Const. Livermore, CA			Minor Concrete & Related
St. Francis Electric San Leandro, CA			Lighting & Sign Illumination, Traffic Operations Systems and Related
Acacia Erosion Ctrl. Santa Barbara, CA			Erosion Control & Related
John Sensesen Landscaping Sonoma, CA			Landscape and Irrigation and Related

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 854-6410 or TDD (916) 854-3880 or write Records and Forms Management, 1120 N Street, MS-88, Sacramento, CA 95814.

Contract No. 04-153304

No. 7471 P. 7

Feb 20 2014 01:06pm

Received Feb. 20, 2014 1:05PM

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
**SUBCONTRACTOR LIST**  
 DES-OE-0102.2 (REV 3/2011)

Bidder Name: Bay Cities Paving & Grading

The bidder must identify each subcontractor performing work in an amount in excess of 1/2 of 1 percent of the total bid or \$10,000, whichever is greater (Pub Cont Code § 4100 et seq.). 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.

Column 1: Business Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
Central Fence Co. Sacramento, CA			Remove Guardrail; Midwest Guardrail System and Related
Gesco Grass Valley, CA			Furnish and Install Sign Structure
Gesco Grass Valley, CA			CIDH Concrete Pile
Linear Options Durham, CA			Remove Striping and Markings; Striping, Markings, Markers Lead Compliance
<u>Adanta</u> <u>Napa, CA</u>			Prepare SWPPP, Rain Event Action Plan, Storm Water Sampling Analysis Day, Storm Water Annual Report, Asbestos Compliance Plan, NOA Burial Location Report, ADL Burial Report Location, Noise Monitoring

**ADA Notice** For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 664-6410 or TDD (916) 664-3680 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

Contract No. 04-153304

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
SUBCONTRACTOR LIST  
DES-GE-0102.2 (REV 3/2011)

Bidder Name: Bay Cities Paving & Grading

The bidder must identify each subcontractor performing work in an amount in excess of 1/2 of 1 percent of the total bid or \$10,000, whichever is greater (Pub Cont Code § 4100 et seq.). Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916) 227-8282 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.

Column 1: Business Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
KRC Safety - Visalia	4 6 10 39, 44, 45 103, 104, 105 102 113-116	100%	Construction Area Signs Type III Barricade Temporary Crash Cushion Roadside Signs Furnish Single Sheet Aluminum Sign Delineators, Markers
FBD Vanguard Const. Livermore	110, 111	100%	Minor Concrete & Related
St. Francis Electric San Leandro	125-147	100%	Lighting and Sign Illumination Traffic Operations Systems and Related
Acacia Erosion Control Santa Barbara	16, 83-88	100%	Erosion Control and Related
John Semsen Landscaping	55-80	100%	Landscape and Irrigation and Related

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 854-4410 or TDD (916) 854-3660 or write Records and Forms Management, 1120 K Street, MS-49, Sacramento, CA 95814.

Contract No. 04-153304

Attachment 2 2/3

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
SUBCONTRACTOR LIST  
DES-06-0102.2 (REV 3/2011)

Bidder Name: Bay Cities Paving & Grading

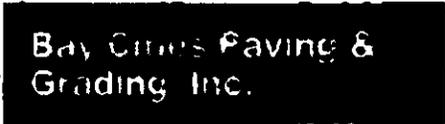
The bidder must identify each subcontractor performing work in an amount in excess of 1/2 of 1-percent of the total bid or \$10,000, whichever is greater (Pub Cont Code 54100 et seq.). Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916) 227-6282 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.

Column 1: Business Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
Central Fence Sacramento	34, 117-119	100%	Remove Guardrail; Midwest Guardrail System and Related
Gerco - Grass Valley	100, 101 98	100%	Furnish and Install Sign Structure C104 Concrete Pile
Linear Options Durham, CA	1, 7, 27, 36-38, 120-124	100%	Remove Striping and Markings; Striping, Markings, Markers Lead Compliance Plan
Adanta - Napa	12-15 25, 28, 30		Prepare SWPPP, Rain Event Action Plan, Storm Water Sampling Analysis Day, Storm Water Annual Report, Asbestos Compliance Plan, NOA Burial Location Report, Noise Monitoring

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 Records and Forms Management, 1170 N Street, MS-89, Sacramento, CA 95814.

Contract No. 04-153304

Bay Cities Paving & Grading, Inc.  
8028 Fern Dr.  
Concord, CA 94520  
Phone (925) 687-6688 Fax (925) 687-2122



Attachment 2 3/3

# Fax

To: Caltrans	From: Russ Olney
Fax: 916-227-8282	Date: February 5, 2014 11AM
Phone:	Pages: 3
Re: Contract No. 04-163304	CC:

- Urgent
- For Review
- Please Comment
- Please Reply
- Please Recycle

**Comments:**

Please see the attached Subcontractor L1a1 for Contract No. 04-163304 which is being submitted within 24 hours of bid opening.

O. C. JONES & SONS, INC.  
GENERAL ENGINEERING CONTRACTOR  
1520 FOURTH STREET  
BERKELEY, CA 94710-1774  
PHONE (510) 526-3424 FAX (510) 526-0990

FACSIMILE TRANSMITTAL SHEET

TO:  
Mr. John McMillan, Deputy Division Chief

FROM:  
Greg Souder

COMPANY:  
Caltrans, Division of Engineering Services

DATE:  
2-20-14

FAX NUMBER:  
916-227-6282

TOTAL NO. OF PAGES INCLUDING COVER:  
10

PHONE NUMBER:

SENDER'S REFERENCE NUMBER:

RE:  
Bid Protest 04-153304  
Date of Bid: 2-04-14

YOUR REFERENCE NUMBER:

URGENT  FOR REVIEW  PLEASE COMMENT  PLEASE REPLY  PLEASE RECYCLE

NOTES/COMMENTS:

Signed

Thank you.

Greg Souder  
Estimating Manager  
O.C. Jones & Sons, Inc.  
510-809-3430 – direct line  
Ph (510) 526-3424 Fax (510) 526-0990  
E-mail: [gsouder@ocjones.com](mailto:gsouder@ocjones.com)

No. 7471 P. 1

Feb 20 2014 01:05pm

Received Feb. 20. 2014 1:04PM