

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 30th STREET
P. O. BOX 168041
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6300
FAX (916) 227-6282
TTY 711



*Flex your power!
Be energy efficient!*

May 6, 2013

Facsimile: (415) 453-²⁹¹⁸4675 (LW)

Raul Garcia, President
Bortolussi & Watkin, Inc.
77 Larkspur Street
San Rafael, CA 94901

04-2G3614
04-Ala-92,880-6.3/6.8,15.5/16.8
B.O. 04/09/2013

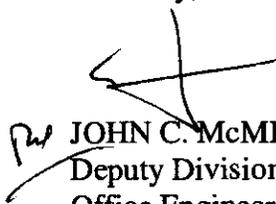
Dear Mr. Garcia:

The Department of Transportation (Caltrans) received the attached letters from Bortolussi & Watkin, Inc. (B&K) dated April 10, 2013 and April 17, 2013 protesting bids submitted by Empire Landscape, Inc. (Empire) and JJ Nguyen, Inc. (JJ Nguyen) for Contract No. 04-2G3614. The protest alleges that Empire and JJ Nguyen's bids are materially unbalanced. B&K requests that Caltrans reject the bids submitted by Empire and JJ Nguyen and award the contract to the B&K.

Caltrans has requested Empire to respond to B&K's protest by May 9, 2013. As for the protest concerning JJ Nguyen, Caltrans did not complete an evaluation of this item, since the bid Submitted by JJ Nguyen was found nonresponsive.

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

Sincerely,


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

Attachments

BORTOLUSSI & WATKIN, INC.

General Landscape Contractors

77 LARKSPUR ST SAN RAFAEL, CA 94901-4886 Lic # 262905
 Phone 415-453-4675 415-453-2978 Fax

10 April 2013

State of California, Department of Transportation
 Division of Engineering Services
 Office Engineer, MS 43
 1726 30th Street
 PO Box 168041
 Sacramento, CA 95816-8041
 Fax 916.227.6282

RE: BID PROTEST
 CT#: 04-2G3614 (4/9/2013)

Dear John C. McMillan,

This letter constitutes the bid protest of Bortolussi & Watkin, Inc. ("B&W") with regard to the above-referenced contract and bid.

The low bidder, Empire Landscape Inc. ("Empire"), and the second low bidder, JJ Nguyen Inc. ("JJ"), have submitted bids which are unbalanced. Failure on the part of Empire, and JJ, to submit balanced bids should require that the California State of Transportation ("Caltrans") deem the bids unbalanced, therefore awarding the contract to Bortolussi & Watkin, Inc. as the next lowest responsive bidder.

Bid Summary indicates Item # 26 (ROCK BLANKET 1,490 SQYD) for Empire and JJ were bid at a unit price substantially less than the other four bidders. Empire has a unit price of \$20.00 per SQYD with item total of \$29,800.00. JJ has a unit price of \$16.00 per SQYD with item total of \$23,840.00. The third, fourth, fifth, and sixth place bidders unit prices average 4 times more than the unit price of the low bid "Empire", and even more so than the second place bidder "JJ".

Breakdown of Item #26 (ROCK BLANKET 1,490 SQYD):

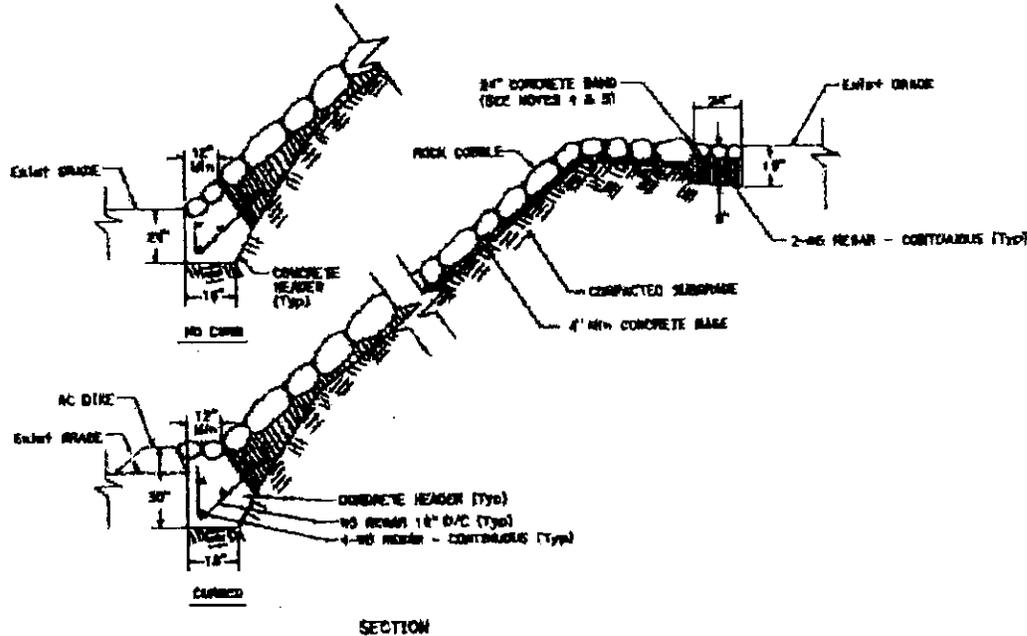
COMPANY	ITEM #	QUAN	UNIT	UNIT COST	ITEM TOTAL
EMPIRE	26	1,490	SY	20.00	29,800.00
JJ NUGYEN	26	1,490	SY	16.00	23,840.00
Bortolussi & Watkin	26	1,490	SY	100.00	149,000.00
McGuire & Hester	26	1,490	SY	81.00	120,690.00
Professional Tree Care	26	1,490	SY	78.00	116,220.00
Environmental Landscapes	26	1,490	SY	122.00	181,780.00

Empire and JJ bids are clearly unbalanced or have a major mistake. An unbalanced bid is one in which the unit items do not reflect reasonable costs plus proportionate share of bidder's anticipated profit, overhead, and other indirect cost. The material cost alone for B&W is almost \$70,000 for item #26. In this case the unit cost and the item total for this item does not reflect the reasonable costs associated

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with supplying and installing the Item # 26 (ROCK BLANKET 1,490 SQYD), as reflected in the four other bids submitted for this project.

Sheet #3, Detail LD-3, shows the Rock Blanket application for this project. This application is different than the 200114 "typical" Rock Blanket as seen in other Caltrans projects. In this application the cobble is placed in concrete on a slope with a concrete header and footer (see detail). More similar to SLOPE PAVING (ROCK BLANKET).



B&W MATERIAL BREAKDOWN for Item # 26 (ROCK BLANKET 1,490 SQYD):

QUAN	UNIT	SIZE	DESCRIPTION	MATLS
1,490	sq	4-8"	ROCK BLANKET	
248	ton	0.4	Cobbles In Conc	18,241
168	CY	0.33	CONC for cobble	21,835
195	CY	0.33	CONC for cobble Header	25,777
5,508	LF	#5	rebar for concrete band/header	3,112
814	EA		V&L shape rebar for header	1,670
1,759	ft		form work header board	1,231
			TOTAL MATERIALS	68,867.00

Accordingly, B&W respectfully request that Caltrans reject Empire and JJ's bid as being materially unbalanced, and award the contract to Bortolussi & Watkin, Inc..

Sincerely,

BORTOLUSSI & WATKIN, INC.

Michael Reinbolt

BORTOLUSSI & WATKIN, INC.

General Landscape Contractors

77 LARKSPUR ST SAN RAFAEL, CA 94901-4886 Lic # 262905

Phone 415-453-4675 415-453-2978 Fax

17 April 2013

State of California, Department of Transportation
Division of Engineering Services
Office Engineer, MS 43
1726 30th Street
PO Box 168041
Sacramento, CA 95816-8041
Fax 916.227.6282

RE: BID PROTEST #2
CT#: 04-2G3614 (4/9/2013)

Dear John C. McMillan,

Bortolussi & Watkin, Inc. ("B&W") protests the bid of the above-referenced contract of the low bidder, Empire Landscape Inc. ("Empire"). Empire has incorrectly completed column 3 of the subcontractor list.

The subcontractor list states: Failure to provide complete information in columns 1 through 4 within the time specified will result in a nonresponsive bid. Empire has failed to provide complete information in column 3 of the subcontractors list. It appears Empire has listed percentages that reflect the total amount of their bid rather than a percentage of the bid item subcontracted. When completing the bid subcontractor listing the bidder must specify percentages for partial items. In this instance Empire did not specify any partial percentages for items therefore making their subcontractor listing percentages incorrect.

PRECEDENCE:

On February 21, 2013 Caltrans issued a Non-responsive bid letter finding the bid of C. Overaa & Co. to be nonresponsive for the exact reason as stated above. Contract 04-014084 (04-A1a-80-2.2) - Oakland Bay Bridge Maintenance Yard, Caltrans found the following: *"Overaa listed percentages that reflect the total amount of their bid rather than a percentage of the bid item subcontracted, therefore the bid is inaccurate".*

Accordingly, B&W respectfully request that Caltrans reject Empires bid as being nonresponsive and continue to award the project to the lowest responsible bidder.

Sincerely,

BORTOLUSSI & WATKIN, INC.

Michael Reinbolt

**** Transmit Conf. Report ****

P. 1
CALTRANS CONTR AWARDS Fax 916-227-6282

May 6 2013 03:07pm

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
914154532978	Normal	06:03:05pm	1'49"	5	O K	

STATE OF CALIFORNIA - BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

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