

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER

P.O. BOX 168041, MS-43

SACRAMENTO, CA 95816-8041

PHONE (916) 227-6299

FAX (916) 227-6282

TTY 711

www.dot.ca.gov



*Serious drought.
Help save water!*

June 19, 2014

Facsimile: (415) 454-8376

Thomas G. Barr, Vice-President of Estimating
Ghilotti Bros. Contractors
525 Jacoby Street
San Rafael, CA 94901

04-2G6004
04-Son-101-R54.2/R56.2
B.O. 05/06/2014

Dear Mr. Barr:

The Department of Transportation (Caltrans) received the attached letter dated May 22, 2014, from Ghilotti Bros. Contractors (Ghilotti), protesting the bid submitted by Ghilotti Construction Company (GCC) on the above referenced contract. The protest alleges that GCC listed the Chrisp Company (Chrisp) to perform work described on bid day as Striping and Marking and on its 24 hour submittal expanded the scope of work by adding Bid Items 34 and 35 (Nonreflective and Retroreflective Pavement Markers). Ghilotti requests that Caltrans find the bid submitted by GCC nonresponsive and award the contract to Ghilotti.

Caltrans reviewed the bid documents submitted by GCC and determined GCC properly followed the bidding instructions on bid opening day by identifying Striping and Marking as work to be performed by Chrisp. On the 24 hour submittal, GCC provided that same information and the corresponding bid item numbers. Caltrans further determined that items 34 and 35 are included in the scope of work as identified by GCC and is included in the normal progression of work.

Caltrans finds that the protest from Ghilotti will have no bearing on the award of this contract. Caltrans will proceed to award this contract to the lowest responsive and responsible bidder.

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

Sincerely,

A handwritten signature in black ink, appearing to read "John C. McMILLAN", written over a horizontal line.

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

Attachment



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

May 22, 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: Contract No. 04-2G6004, 04-Son-101-R5.4.2/R56.2, Hwy 101 in Cloverdale

SUBJECT: Bid Protest

Dear Mr. McMillan:

Please consider this letter to be a formal protest of the bid submitted by Ghilotti Construction Company, Inc. (GCC) on Project 04-2G6004. The bid submitted by GCC is nonresponsive and must be rejected by the Department's based on the contract specifications, Department's longstanding practices and applicable law.

GCC listed Chrisp Company from Fremont, CA on bid day to perform Striping and Marking work. In its 24 hour subcontractor listing, GCC added work to Chrisp Company when it listed them to perform bid items 34 and 35, Pavement Markers work.

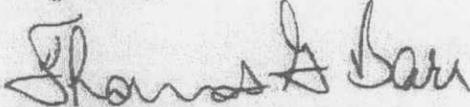
Pavement Markers are not Striping and Marking work. Pavement Markers are described in Section 85 of the Standard Specifications and not in Section 84 of the Standard Specifications which describes Traffic Stripes and Pavement Markings for which Chrisp was originally listed.

The Department has clearly made no exception to its determinations that Contractors who add work to their 24 hour Subcontractor Listing create a revised "Subcontractor List" in violation of the Subletting and Subcontracting Fair Practices Act of the Public Contract Code. GCC violated this code when it added the Section 85 Markers scope of work to Chrisp Company when it listed them to perform bid item 34 – Pavement Marker (Non-Reflective) and bid item 35 – Pavement Marker (Retroflective) work. Both of these items are not Striping and Marking work.

The addition of Markers work to Chrisp Company by GCC 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 GCC should be determined to be nonresponsive by the Department and award should be made to our firm as the lowest responsive bidder.

Please call me at (415) 760-8997 should you have any questions or comments regarding this matter.

Respectfully,



Thomas G. Barr
Vice President of Estimating

Faxed to 916-227-6282

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
DES-05-01023 (REV. 3/2011)

Bidder Name: Ghilotti Construction Company, Inc.

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) 227-8252 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

Chrisp Company
Fremont, CA

STRIPING AND MARKING

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Received
MAY-07-2014 WED 11:48 AM

MAY 7 2014 11:51am
FAX NO.

P. 05

4

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
DES-05-0122 (REV 2009)

Bidder Name: Gilotti Construction Company, Inc.

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 (Per Cost Code 9-4100 at sec. 1). Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or file to (916) 227-4282 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 No.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
CHRISP COMPANY FREMONT, CA	32	100%	STRIPING AND MARKING
	33	100%	
	→ 34	100%	
	→ 35	100%	

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

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

Jun 19 2014 02:07pm

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
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STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

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DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER
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 JOHN C. McMILLAN
Deputy Division Chief
Office Engineer
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