



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.

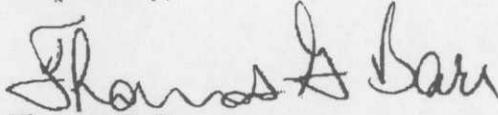
Pavement Markers are not Striping and Marking work. Pavement Markers are described in Section 85 of the Standard Specifications and not in Section 84 of the Standard Specifications which describes Traffic Stripes and Pavement Markings for which Chrisp was originally listed.

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-DE-01022 (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) 227-6262 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 Items Subcontracted	Column 4: Description of Subcontracted Work
Chrisp Company Fremont, CA			STRIPING AND MARKING

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Contract No. D4-2G6004

Received
MAY-07-2014 WED 11:48 AM

May 7 2014 11:51am
FAX NO.

P. 05

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STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
DES-05-0102.1 (REV 3/2011)

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 (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: Sub/Trade 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	32	100%	STRIPING AND MARKING
	33	100%	
	→ 34	100%	
	→ 35	100%	

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Contract No. 04-2G8004