

December 2, 2015

*Via Fax, Email & Overnight Mail*

Gordon N. Ball Inc.

General Engineering Contractors

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Earl Seaberg, Chief, Office of Contract Awards & Services  
 John McMillan, Deputy Division Chief  
 Office Engineer – MSC 43  
 California Department of Transportation  
 1727 30<sup>th</sup> Street  
 Sacramento, CA 95816-7005

**Subject: BID PROTEST**  
**Contract 04-4G6404**  
**Bid November 3, 2015**

Gentlemen:

333 Camille Avenue

Alamo, CA 94507

As a supplement to our November 17, 2015 protest, and in response to the response from Ghilotti Construction on this matter, we hereby affirm our protest of the bid submitted by Ghilotti Construction (GCC) for the above referenced project. The bid of GCC is non responsive because of an internal contradiction between the Subcontractor List and the Disadvantaged Business Enterprise (DBE) Commitment form. The contradiction makes it impossible to determine who will performing Bid Item 80, and creates a nonwaivable discrepancy because GCC could argue that it made a clerical error that constitutes a basis for withdrawing its bid for mistake.

Caltrans' DBE commitment form states in part, "...names of the First Tier DBE Subcontractors and their respective items(s) of work listed above must be consistent, where applicable, with the names and items of work on the Subcontractor List form submitted with your bid."

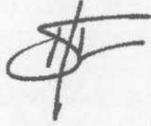
Reference is made to the following bid documents submitted by GCC:

1. The subcontractor listing for Pacific Coast Drilling, stating that Pacific Coast Drilling is performing 100% of Bid Item 80.
2. The DBE Commitment form for S&S Trucking, stating that S&S Trucking is performing Bid Item 80 (partial).
3. The DBE Confirmation form, stating that S&S Trucking is performing partial work for Bid Item 80 for GCC directly, and that the work is not applicable to a subcontractor.
4. The quote of Pacific Coast Drilling for the contract, which states that the work to remove and responsibility for earth spoils is not included in their scope, which is the only work applicable to S&S Trucking for Bid Item 80.

The addition, Bid Item 80 for S&S Trucking changes the description of work to be performed by the listed subcontractor for Bid Item 80, Pacific Coast Drilling, which constitutes a change that is not consistent with the Subcontractor List form.

We request that the protest be sustained and that Department award the contract to the lowest responsible bidder.

GORDON N. BALL, INC.

A handwritten signature in black ink, appearing to be 'H. Stober', written over a circular stamp or mark.

Hal Stober  
President