

**CONSTRUCTION COMPANY**

P.O. BOX 1508, RANCHO CORDOVA, CA 95741-1508 (916)852-5530 FAX (916)852-5533

December 30, 2015

CERTIFIED US MAIL

State of Transportation
Department of Transportation
1727 30th Street, Bidder Exchange, MS 43
Sacramento, CA 95816

Attention: John C. McMillan, Deputy Division Chief, Office Engineer

Reference: Contract No. 05-0F7004
Route 68 Near Salinas from 0.2 Mile east of Reservation Road UC to Spreckles Blvd

Subject: Golden State Bridge – 2nd Bid Protest

Mr. McMillan,

This is Viking Construction Company Inc.'s [hereinafter "Viking"] response to the 2nd bid protest submitted by Golden State Bridge, Inc. [hereinafter "Golden State"] in connection with the above-referenced project. For each of the reasons stated below, Viking's bid is the lowest responsive bid and the contract should be awarded to Viking.

Golden State's letter falsely indicates that Malcolm should have been listed for Item 84 "Seal Course Concrete". Golden State appears to be confused regarding the pay item for the pile seal course concrete as their letter dated December 15, 2015 indicated that payment for the pile seal course concrete was associated with the piling items, however now Golden State is indicating that this work is associated with Item 84. Regardless, Viking correctly listed Malcolm for placing pile concrete at bid time and Golden State's allegation that Malcom should have been listed for Item 84 is incorrect and is not supported by the project specifications.

Golden State's letter indicates that Viking did not list Malcom for "furnishing pile concrete" which is false. Viking listed Malcolm for "Drill piles, set cages, place concrete". Furnishing pile concrete is incidental to placing concrete and Malcolm's scope was correctly listed by Viking for bid items 79 and 81.

Golden State's protest has no merit and only seeks to invalidate Viking's bona fide bid in an attempt to seek award of a contract for which they are not entitled. As indicated in Viking's prior response, Viking accurately described Malcom's scope of work in its Subcontractor List and merely identified the incorrect bid items numbers for that work. Viking's reference to the wrong bid item numbers, when read with the accurate actual description stated in the subcontractor listing for this subcontractor, does not constitute an error. In short, Viking's Subcontractor List did accurately describe Malcom's work. Even if the incorrect reference to the bid item numbers could be deemed an error (which Viking disputes), it would be an irregularity that is inconsequential because it clearly did not give Viking any advantage or benefit whatsoever over the other bidders. Viking's bid is the lowest responsive bid and the contract should be awarded to Viking.

Very Truly Yours,
VIKING CONSTRUCTION COMPANY, INC.


for: RANDY JENCO
President



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FAX

To:	Caltrans Office Engineer	From:	Troy Clemons
Fax:	916-227-6282	E-mail:	tclemons@vikingbridges.com
Phone:		Date:	12/30/2015
Subject:	Contract 05-0F7004	Pages:	2 (including cover)

Urgent
 For Review
 Please Comment
 Please Reply
 Please Recycle

Please see attached letter regarding the 2nd Bid Protest from Golden State Bridge on the subject contract.

Please contact our office at 916-852-5530 if you should have any questions.

Best Regards,

Troy Clemons