

December 15, 2015

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

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

RE: Contract No. 05-0F7004

Route 68 Near Salinas from .2 mile east of Reservation Road UC to Spreckles Blvd. UC.

Mr. McMillan,

Please consider this letter a formal protest of the bid submitted by Viking Construction Company (Viking) in connection with Contract No. 05-0F7004.

Revised Standard Specification Section 2-1.33 Bid Document Completion and Submittal Subsection 2-1.33A states "Failure to submit the forms and information as specified may result in a non-responsive bid".

Revised Standard Specification Section 2-1.10 Subcontractor List states in part "for each subcontractor listed, the Subcontractor List must show:

4. Portion of work it will perform; show the portion of work by:

4.1 Bid item numbers for the subcontracted work.

4.2 Percentage for the subcontracted work.

4.3 Description of the subcontracted work of the percentage of the bid items listed is less than 100 percent.

Viking's subcontractor list is incorrect and non-responsive.

With regard to Viking's listing of Malcolm Drilling for bid items 79 and 81 (Furnish 36" Cast in Steel Shell concrete Piling, and Furnish 48" Cast in Steel Shell Concrete piling respectively), Viking identified that Malcolm would be performing 40% of item 79 and 40% of item 81. Viking goes on to describe the portion of the work that Malcolm will perform as "Drill Piles, Set Cages, Place Concrete" for each item.

Standard Specification Section 49-3.03D specifies that payment for furnish piling (items 79 and 81 on this project) includes:

Driven steel shells filled with concrete and reinforcement are paid for as FURNISH piling and DRIVE pile.

Payment for Furnish piling (items 79 and 81 on this project) includes:

1. Furnishing Steel shells at the jobsite.
2. Furnishing Concrete.
3. Furnishing reinforcement except for piles with a diameter 24 inches or greater.

4. Splicing steel Shells.

Payment for Drive pile (items 80 and 82 on this project) Includes:

1. Driving and cutting off the steel shells at the elevations shown.
2. Furnishing special driving tips or heavier sections of steel shells.
3. Drilling holes or predrilling holes through embankments.
4. Cleaning out and disposing material from open-ended steel shells.
5. Placing seal coarse concrete in open-ended steel shells.
6. Dewatering open-ended steel shells.
7. Placing reinforcement and concrete.
8. Disposing material resulting from drilling holes, predrilling holes, or cleaning out open-ended steel shells.

The above specifications for Furnish steel piles (which corresponds to bid Items 79 and 81 on this project) DOES NOT include any of the work for which the Subcontractor Malcolm was listed – namely drilling, setting the cages and placing the concrete (this description is only applicable to bid Items 80 and 82 on this project). As such, Viking has listed an incorrect description for the work that Malcolm is listed to perform. Malcolm's subcontracted work from Viking's descriptions can only apply to bid items 80 and 82 on this project and would include the listed work detailed above at # 4 and #6 for Drive steel pile. The correct bid items that would correspond to the work that Malcolm's description would only apply to Bid Items 80 and 82 on this project, and these items were subcontracted to a different subcontractor.

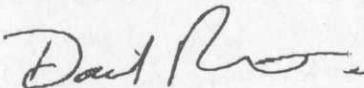
This listing error in Viking's bid violates the listing requirements specified in Standard Specification 2-1.10 as the work described for the subcontractor (Malcolm) is not work contained in the bid items listed for that subcontractor, and / or the bid items listed were in error for the work to be performed by the subcontractor creating not only an error in the subcontractor listing but also a significantly imbalanced bid.

This error could also generate many issues in the construction and administration of the project as payment for the "drive pile" items is paid by the each, where the "furnish items" are paid by a measured quantity - ultimately giving Viking a potential unfair advantage over other bidders should they be allowed to proceed with the Subcontractor listing as bid.

Caltrans must find Viking's bid non-responsive for Vikings failure to provide a description of the actual work to be subcontracted that corresponds with the bid item(s) listed for their listed subcontractor for bid items 79 and 81.

As such, we request that the State award the project to Golden State Bridge, Inc. as the lowest responsive and responsible bidder.

Sincerely,



Dave Riccitiello
President

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Fax

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MOLISSA SMITH

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Pages: 3

Phone:

Date: 12-15-2015

Re: 05-0F7004

cc:

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