



GENERAL ENGINEERING CONTRACTOR • LICENSE # 23
PAVEX CONSTRUCTION DIVISION

January 30, 2013

Via Email, Facsimile and First Class Mail

John McMillan
Deputy Division Chief
Division of Engineering
Office Engineer, MD 43
1727 30th Street
P.O. Box 168041
Sacramento Ca, 95816-8041
Facsimile: (916) 227-6282

Re: Formal Bid Protest
Contract 05-0L7014
Bid Date January 23, 2013

Dear Mr. McMillan:

Pavex is writing to formally protest award of the above referenced contract to Gordon N Ball Inc. (Ball), who after Proven was granted relief from their bid is now the apparent low bidder on the project. This request is based on several inconsistencies in the Subcontractor List form submitted at the time of bid compared to the same form submitted 24 hours later.

On the Subcontractor List form submitted on the day of the bid, Ball listed Statewide Safety for "CAS," also known as Construction Area Signs. On the same form submitted 24 hours later, in addition to listing CAS, Ball included Item #25 at 100%. Item #25 is not Construction Area Signs, it is Crash Cushions. Because of this exact type of inconsistency, several previous bids have been rejected by Caltrans, and therefore Pavex requests the same be done here.

The Subcontractor List submitted on the day of the bid also lists Avar for "Soil Nails (partial)" and 24 hours later Ball included Bid Item #80 Soil Nails as 100% (not partial), and added a previously unlisted Bid Item 94 Shotcrete as 100%.

A third inconsistency can be seen with respect to the subcontractor Giron, who was listed for Excavation (partial) on the day of the bid, but 24 hours later was listed for



San Jose Office
120 Granite Rock Way
San Jose, CA 95136
Phone 408 574 1400
Fax 408 365 8349

SFO Office
San Francisco, CA 94128
Phone 650.615.0306
Fax 650.615.0338

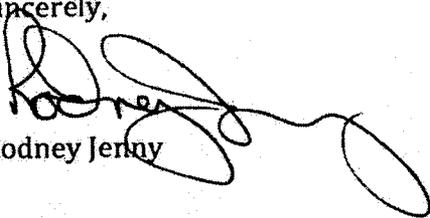
Oakland Office
7700 Edgewater Drive, Bldg. B, Suite 300B
Oakland, CA 94621
Phone 510 729 5075
Fax 510 729 5079

Monterey Bay Region
P.O. Box 50001, Watsonville, CA95077
411 Walker Street, Watsonville, CA95076
Phone 831 768 2700
Fax 831 768 2701

17% each of Bid Item #48 (p) and #56 (p) for "saw cut only." They were not listed for Excavation at all.

When a prime contractor has the opportunity to modify the scope of a subcontractor's work after the bid, they are in a position to exert extreme pressure on any subcontractor to change their price or terms of the subcontract, and the fair bidding process required by law is not longer in effect. The items described above create a clear picture that Ball had the opportunity to engage in bid shopping, and accordingly their bid must be rejected.

Sincerely,



Rodney Jermy

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
 DES-OE-0102.2 (REV 3/2011)

Bidder Name: Gordon N. Bull, 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.

#1

Column 1: Business Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
Statewide Safety San Jose, CA			CAS
Sterndahl Sun Valley, CA			STRIPING
Mountain F Enterprise Lotus, CA			TREE REMOVAL
Pacific Coast Drilling Santa Rosa, CA			DRILLING (PARTIAL)
Clearwater Cameron Park, CA			PLANTING
O Jones Berkeley, CA			ASPHALT (PARTIAL)
Aver Fremont, CA			SOIL NAIL (PARTIAL)
Conco Concord, CA			REBAR

#2

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STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
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Central Fence Sacramento, CA			MBGR
ACH Chino Hills, CA			BARRIER (PARTIAL)
Tennyson Livermore, CA			ELECTRICAL
			TRAFFIC CONTROL (PARTIAL) #5 NO SUB #5
Giron San Francisco, CA			Excavation (Partial)
Western Traffic Supply Pleasanton, CA			Traffic Control (Partial)

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#1	State wide Safety San Jose, CA	15	100%	
		25	100%	
	Sterndahl Sun Valley, CA	16(P)	4%	Striping
		19	100%	
		26	100%	
		27	100%	
		30-32	100%	Stripe only
		50(P)	40%	
		127-130	100%	
	137	1.5%	stripe only	
#2	Mountain F Ent Lotus, CA	47(P)	43%	Tree Removal Only
	Avar Fremont, CA	80	100%	
		94	100%	

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Column 1: Business Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
PCDC (Pacific Coast Drilling) Santa Rosa, CA	51(P)	40%	Drill only
	52(P)	40%	Drill only
	81(P)	40%	Drill only
	82(P)	40%	Drill only
	83(P)	40%	Drill only
Clear water Cameron Park, CA	67	100%	
	69	100%	
	70	100%	
O Jones Berkeley, CA	16(P)	3%	AC only
	43	100%	
	72-79	100%	
	137(P)	4.5%	AC only
Central Fence Sacramento, CA	29	100%	
	115-120	100%	

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STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
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CONCO Concord, CA	86(P)	70%	Rebar only
	87(P)	70%	Rebar only
	92	100%	
	93(P)	47%	Install Only
	116(P)	12%	Rebar only
	122-126(P)	30%	Rebar only
ACL Chino Hills, CA	122-126(P)	42%	Place only
Tennyson Livermore, CA	131	100%	
	132	100%	
Western Traffic Pleasanton, CA	16(P)	17%	Traffic Control
	121(P)	92%	Barrier Only
GIRON SF, CA	48(P)	17%	Saw cut only
	56(P)	17%	Saw cut only

#3

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