DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER
1727 30th STREET, MS-43
P.O. BOX 168041
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6299
FAX (916) 227-6282
TTY 711
www.dot.ca.gov

Serious Drought.
Help save water!

June 9, 2015

Facsimile: (925) 838-5915

Hal Stober, President
Gordon N. Ball, Inc.
333 Camille Avenue
Alamo, CA 94507

05-1F3604
05-SCr-1-31.6, 36.3
B.O. 04/14/2015

Dear Mr. Stober:

The Department of Transportation (Caltrans) received the attached letters dated April 27 and May 11, 2015, from Gordon N. Ball, Inc. (Gordon Ball), protesting bid documents submitted by Bugler Construction (Bugler). The protest alleges that Bugler listed Titan DVBE to perform flagging work related to bid item 3 (Portable Changeable Message Signs) in the amount of $52,960.00. Gordon Ball protests that there is not $52,960.00 of flagging work required to install and remove two PCMS on the project. Gordon Ball requests that Caltrans find Bugler nonresponsive and award the contract to Gordon Ball.

Caltrans has reviewed the bid documents submitted by Bugler and does not agree that the bid is nonresponsive. On bid day Bugler listed Titan DVBE (Titan) on its Subcontractor List form to perform 62.3% of bid item 3, and provided a description of work to be performed as Traffic Control (flagging). Bugler, on its Certified Disabled Veteran Business Enterprise (DVBE) Summary also listed bid item 3 and provided this same description of work to be performed. In addition, the quote provided by Titan references bid item 3 for the same description of work. While the bid references bid item 3 and Traffic Control is actually bid item 2, Caltrans finds that the incorrect listing of bid item 3, is immaterial and clerical in nature. The error does not change the amount of the bid nor does it provide an unfair competitive advantage and can therefore, be waived by Caltrans. Additionally, in response to Gordon Ball's allegation that the scope of work for Titan has been enlarged, Caltrans disagrees. While the quote submitted by Titan includes work for changeable message signs, there is nothing in Bugler's bid to indicate that it accepted that part of Titan's work. The only work listed either on Bugler's subcontractor list or its DVBE Summary references Traffic Control (Flagging). The amount claimed on Bugler's DVBE list for Traffic Control (Flagging) of $52,960 is the same amount indicated on the quote. The quote submitted by Bugler as required for the DVBE Summary states "List #3 $52,960." Again, while this reference bid item 3 instead of bid item 2 is not immaterial as it does not change the amount of Bugler's bid and the mistake appears to be clerical in nature.

Based on the above, Caltrans finds Gordon Ball's protest does not have merit and will proceed to award the contract to the lowest responsible bidder.

If you have any questions, please contact Mulissa Smith, Contract Awards Branch Chief, at (916) 227-6228.

Sincerely,

for JOHN C. McMILLAN
Deputy Division Chief
Office Engineer
Division of Engineering Services

** Transmit Conf.Report **

P.1 Jun 9 2015 03:57pm
CALTRANS CONTR AWARDS Fax 916-227-6282

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
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STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY EDMUND G. BROWN Jr., Governor

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