

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 30th STREET
P. O. BOX 168041
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6280
FAX (916) 227-6282
TTY 711



*Flex your power!
Be energy efficient!*

May 7, 2013

Facsimile: (661) 393-9525

Lucas J. Walker, Central Region Manager
Griffith Company
1128 Carrier Parkway Avenue
Bakersfield, CA 93308

06-0N1604
06-Ker-178-R93.2/100.6
B.O. 03/20/2013

Dear Mr. Walker:

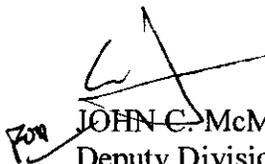
The Department of Transportation (Caltrans) received the attached letter dated April 1, 2013, from Griffith Company, protesting Hal Hays Construction, Inc.'s (Hal Hays) DBE Commitment form and Bowman Asphalt, Inc.'s (Bowman) Subcontractor List. The protest states that Hal Hays recorded 0% Disadvantaged Business Enterprise (DBE) participation for this project. In addition, the protest states that the Subcontractor List submitted by Bowman appears to have discrepancies listed.

The Office of Business and Economic Opportunity's Contract Evaluation Unit (CEU) conducted a review of this protest and determined that Hal Hays did not meet the DBE participation goal nor show a good faith effort. Furthermore, CEU did not conduct a review of the protest as it concerns Bowman because the bid submitted by Bowman was nonresponsive.

Based on the findings above, Griffith's protest has no bearing on the award of this contract. This contract will be awarded to the lowest responsible bidder.

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

Sincerely,

A handwritten signature in black ink, appearing to read "John C. McMILLAN", written over a printed name.

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

Attachments



April 1, 2103

CORPORATE OFFICE
3980 E. Birch Street
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CENTRAL REGION
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(562) 928-1128
Fax (562) 884-8870

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UNDERGROUND DIVISION
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www.griffithcompany.com

Contractors
License #88



Mr. John McMillan
Deputy Division Chief
State of California
Department of Transportation
Division of Engineering Services
Office Engineer, MS 43
1727 30th Street
Sacramento, CA. 95816

RE: Caltrans Contract # 06-0N1604

Subject: BID PROTEST

Dear Mr. McMillan,

Griffith Company hereby protests the potential award of the above referenced contract to the apparent low bidder "Hal Hays Construction, Inc." In addition, Griffith Company is protesting the second low bid from "Bowman Asphalt, Inc." Griffith Company submitted the third low bid for this project thus having standing for this protest.

I. Hal Hayes Construction, Inc.

On page 2 of the bid documents, bottom right hand corner title block "date signed" indicates in parenthesis "Do not Type." The date was in fact typed in that title block.

On page 4, "Subcontractor List," the initials HAH are on both sheets, the first submitted with the bid and the next faxed later, although the writing is noticeably different.

According to DBE documents submitted by Hal Hayes Construction, Inc., there is no DBE participation listed for this project. Please direct attention to the page 11 of the DBE Good faith Efforts Documentation form submitted by Hal Hayes Construction, Inc. The minimum 14 day advance advertising requirement prior to bid date was not met by Hal Hayes Construction, Inc. The first 20 pages of their submittal are included to shows this. Due to this the bid of Hal Hayes Construction, Inc. should be deemed non-responsive.

II. Bowman Asphalt, Inc.

On the Subcontractor list(s) submitted with the bid and then within 24 hours after the bid, show discrepancies between the two forms. The form faxed on



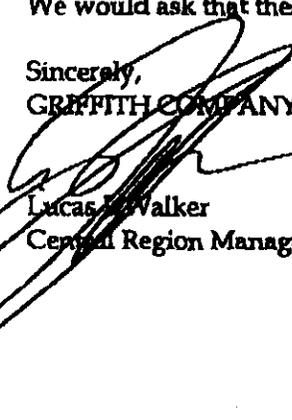
**GRIFFITH
COMPANY**

March 21, 2013 has Statewide Safety and Signs performing the "Construction Area Signs" added into column 4, Description of Subcontracted Work. This description of work was not listed on the form submitted with the bid. Therefore the bid of Bowman Asphalt, Inc. should be deemed non-responsive.

As a result of these findings, the respective bids of first low bidder Hal Hayes Construction, Inc. and second low Bidder Bowman Asphalt, Inc. should be deemed non-responsive, and Griffith Company should be declared the lowest responsive bidder.

We would ask that these protests be considered prior to awarding this contract.

Sincerely,
GRIFFITH COMPANY


Lucas Walker
Central Region Manager

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**** Transmit Conf. Report ****

P. 1
CALTRANS CONTR AWARDS Fax 916-227-6282

May 8 2013 09:09am

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
916613939525	Normal	08:09:08am	1'07"	3	OK	

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN, Jr., Governor

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Sincerely,


JOHN C. McMILLAN
Deputy Division Chief
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