

**DEPARTMENT OF TRANSPORTATION**  
DIVISION OF ENGINEERING SERVICES  
OFFICE ENGINEER, MS 43  
1727 30<sup>th</sup> STREET  
P. O. BOX 168041  
SACRAMENTO, CA 95816-8041  
PHONE (916) 227-6299  
FAX (916) 227-6282  
www.dot.ca.gov/hq/esc/oe



*Flex your power!  
Be energy efficient!*

April 3, 2014

Facsimile: (573)221-1892

Chester Bross, President  
Chester Bross Construction Company  
P.O. Box 430  
Hannibal, MO, 63401

06-0P1704  
06-Tul-99-25.0/27.6  
B.O. 3/26/14

Dear Mr. Bross:

The Department of Transportation (Caltrans) received the attached letter dated April 2, 2014, from Emmett's Excavation, Inc (Emmett), protesting the bid submitted by Chester Bross Construction Company (CBCC). The protest alleges that CBCC's bid must be rejected as nonresponsive because CBCC failed to submit the proper "Subcontractor list" and its bid is mathematically unbalanced.

Please provide your response to Emmett's protest no later than April 8, 2014.

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

Sincerely,

A handwritten signature in black ink, appearing to read "John C. McMILLAN".

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

Attachments

**Emmett's Excavation, Inc.**

1477 Menlo Clovis, CA 93611

Tel: (559) 299-1256 Fax: (559) 299-0281

California License # 579845

April 2, 2014

John C. McMillan  
Deputy Division Chief  
Office Engineer  
Division of Engineering Services  
State of California Department of Transportation (Caltrans)  
1727 30<sup>th</sup> Street, Bidder Exchange, MS 43  
Sacramento, CA 95816-8041

Subject: Contract 06-0P1704  
Bid Opened: March 26, 2014  
Bid Protest of Chester Bross Construction Company

Dear Mr. McMillan,  
Emmett's Excavation, Inc., hereby protests the award of the above referenced project to Chester Bross Construction Company ("CBCC") due to errors in their bid documents. After review of CBCC's "Bid Book", discovery noted two errors:

The first error, CBCC failed to submit the proper "Subcontractor List" as stated in the Electronic Bidding Guide. According to the direction stated on Sheet 12 of the Electronic Bidding Guide, Subcontractor List folder, "Percentages of bid items subcontracted and bid item numbers may be submitted with bid, or completed, printed and submitted as specified in the bid documents". The "Subcontractor List" submitted by CBCC is not on the electronic form printed from the website, in fact, the form submitted by CBCC isn't found anywhere in the bid documents. CBCC submitted form DES-OE-0102.2 (REV 3/2011) which isn't part of the bid documents for this project. Please reference the specifications for Contract 06-0P1704, sheet 13, which states "Forms to be submitted at the time of bid must be submitted as described in the *Electronic Bidding Guide* or faxed to (916) 227-6282 before the bid opening date and time". The last sentence of said sheet states "Failure to submit the forms and information as specified results in a nonresponsive bid".

Secondly, CCBC's Bid Item No. 26, Tack Coat, for the above referenced project, was bid at a unit price of \$1.00. The average unit price for Bid Item No. 26 from the 2<sup>nd</sup> and 3<sup>rd</sup> bidders is \$2,750.00. CCBC submitted an unbalanced unit price of 275,000% less than the average unit price of the 2<sup>nd</sup> and 3<sup>rd</sup> bidders. CCBC clearly mathematically unbalanced bid item No. 26 to their advantage for profit with detriment to the State and submitted an unbalanced bid.

These errors constitute CCBC's bid to be non-responsive. CCBC's bid needs to be rejected and award made to the next lowest responsive and responsible bidder.

Thank you.

David Walsh  
General Manager

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

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

Apr 3 2014 12:01pm

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
915732211892	Normal	03:12:00pm	1'15"	2	* 0 K	

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

**DEPARTMENT OF TRANSPORTATION**  
DIVISION OF ENGINEERING SERVICES  
OFFICE ENGINEER, MS 43  
1727 30<sup>th</sup> STREET  
P. O. BOX 168041  
SACRAMENTO, CA 95816-8041  
PHONE (916) 227-6299  
FAX (916) 227-6282  
[www.dot.ca.gov/hq/esc/oe](http://www.dot.ca.gov/hq/esc/oe)



*Flex your power!  
Be energy efficient!*

April 3, 2014

Facsimile: (573)221-1892

Chester Bross, President  
Chester Bross Construction Company  
P.O. Box 430  
Hannibal, MO, 63401

06-0P1704  
06-Tul-99-25.0/27.6  
B.O. 3/26/14

Dear Mr. Bross:

The Department of Transportation (Caltrans) received the attached letter dated April 2, 2014, from Emmett's Excavation, Inc (Emmett), protesting the bid submitted by Chester Bross Construction Company (CBCC). The protest alleges that CBCC's bid must be rejected as nonresponsive because CBCC failed to submit the proper "Subcontractor list" and its bid is mathematically unbalanced.

Please provide your response to Emmett's protest no later than April 8, 2014.

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

Sincerely,

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

Attachments