



Granite Construction Company
2716 Granite Court
Fresno, CA 93706
graniteconstruction.com

November 20, 2014

VIA FACSIMILE (916) 227-6282

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

Re: Contract No. 06-0P1804 ("Contract")
Bid Opening October 29, 2014

Mr. McMillan,

Granite Construction Company ("Granite") timely submitted a responsive bid for the above-referenced Contract and is the apparent low bidder. Granite understands that on or about November 12, 2014, Papich Construction, Inc. ("Papich") submitted a protest of Granite's bid. Granite's bid is approximately \$477,000 less than Papich's bid and is fully responsive. As further discussed below, Papich's protest lacks merit and should be rejected.

Papich alleges that (a) Granite included bid item numbers for two subcontractors on the Subcontractor List submitted by Granite within 24 hours of the bid opening, which were not consistent with the description of portion of work on the Subcontractor List submitted by Granite with its bid and (b) Granite failed to properly list subcontractors that are performing less than 100% of the work specified on the Subcontractor List submitted with its bid. These allegations are without factual or legal support and Papich's protest must be rejected. Granite's Subcontractor List complies with the governing subcontractor listing laws and the Contract specifications, and Granite's bid is fully responsive.

Granite's Subcontractor List Satisfies the Subcontractor Listing Law and the Contract Specifications

The Subletting and Subcontracting Fair Practices Act, California Public Contract Code 4100 et seq. ("Subcontractor Listing Law") requires bidders for public contracts to list the name, the location of place of business, and the California contractor license number of each subcontractor who will perform work in an amount in excess of one-half of one percent of the prime contractor's total bid or \$10,000, whichever is greater. Cal. Pub. Contract Code, § 4104(a). The bidder must also set forth the portion of the work that will be done by each subcontractor. Cal. Pub. Contract Code, § 4104(b).

The Department's Subcontractor List form instructs bidders to submit the following information with the bid: (a) the name, (b) the location of the place of business, (c) the California contractor license number, and (d) the portion of work of each subcontractor who is required to be listed under the Subcontractor Listing Law. Additionally, the Department's Subcontractor List form requires the bidders to "**submit within 24 hours of the bid opening the bid item numbers with percentages of the portion of work subcontracted.**" The bid specifications do not instruct or require bidders to specify "partial" on the bid day Subcontractor List form for those listed subcontractors who will be performing less than 100% of the bid item(s).

The purposes of competitive bidding are to guard against favoritism and corruption, to prevent the waste of public funds, to obtain the best economic result for the public, and to stimulate advantageous market place competition. Competitive bidding provisions must be read in light of the reason for their enactment and applied in a sensible, practical way to accomplish those purposes fairly and reasonably. *Ghilotti Constr. Co. v. City of Richmond* (1996) 45 Cal. App. 4th 897, 909. Likewise, responsiveness considerations "must be evaluated from a practical rather than a hypothetical standpoint, with reference to the factual circumstances of the case. They must also be viewed in light of the public interest, rather than the private interest of a disappointed bidder" hoping to prevail by contriving irregularities in the winning submission. *Id.*, at 908-09 (1996) (citing *Judson Pacific-Murphy Corp. v. Durkee* (1956) 144 Cal. App.2d 377, 383). It would be a "disservice to the public" if a losing bidder were allowed to comb through the bid of the low bidder after the fact, in an effort to cancel the low bid on minor technicalities, with the hope of securing acceptance of its higher bid. "Such construction would be adverse to the best interests of the public and contrary to public policy." *Durkee*, 144 Cal. App. 2d at 383. Here, it is clear that Papich is simply combing through Granite's bid in an effort to concoct a deficiency where none exists.

Granite timely submitted its bid and accompanying Subcontractor List for the Contract. Granite's Subcontractor List fully complies with the requirements of the Subcontractor Listing Law and the Contract specifications. There is no irregularity in Granite's bid. Granite did not change subcontractors or the description of subcontracted work on its Subcontractor List. The descriptive terms set forth in Granite's Subcontractor List are consistent with each of the bid item numbers listed within 24 hours of the bid opening.

Granite Was Not Required to Specify "Partial" For those Listed Subcontractors Performing Less Than 100% of the Identified Bid Items

Without any foundation or basis, Papich claims that for listed subcontractors performing only a portion of a bid item, Granite was required to indicate "partial" on its bid-day submission. The governing specifications contain no such requirement.

Neither the Subcontractor Listing Law nor the Contract specifications require a bidder to list "partial" within the description of subcontracted work if the listed subcontractor will not be performing 100% of the work. Information as to the percentages of the portion of work subcontracted to listed subcontractor(s) is not required to be specified in the bid day submission. Rather, bidders are required to submit such information on the subcontracted bid items numbers and associated percentages of the portion of work subcontracted within 24 hours after the bid opening, which is exactly what Granite did.

The Department has consistently found bidders to be responsive when they have listed a subcontractor for less than 100% of a bid item without listing "partial" in the description of portion of work or otherwise indicating that the listed subcontractor would only be performing part of the subject scope of work. This is evidenced by several recent examples.

For Contract 03-4F0704, which was awarded to DeSilva Gates Construction LP ("DeSilva") on October 31, 2014, DeSilva listed M.F. Maher, Inc. ("Maher") as a subcontractor and "Minor Concrete (Minor Structure), Miscellaneous Iron & Steel" as the description of portion of work on the Subcontractor List submitted with its bid. On its bid-day submission, DeSilva gave no indication as to whether Maher would be performing 100% or only part of the specified scope of work. Then, on the Subcontractor List submitted within 24 hours of the bid opening, DeSilva listed the bid item number for Minor Concrete (Minor Structure) and 74% as the percentage of bid item subcontracted. (See Exhibit 1) The Department determined that DeSilva's bid was responsive and awarded the contract to DeSilva.

For Contract 06-0M8204, which was awarded to Emmett's Excavation, Inc. ("Emmett's") on October 10, 2014, Emmett's listed Madco Electric, Inc. ("Madco") as a subcontractor and "Modify Ramp Metering Sys, & Modify Lighting" as the description of portion of work on the Subcontractor List submitted with its bid. On its bid-day submission, Emmett's gave no indication as to whether Madco would be performing 100% or only part of the specified scope of work. Then, on the Subcontractor List submitted within 24 hours of the bid opening, Emmett's listed the bid item number for Ramp Metering System and 99% as the percentage of bid item subcontracted. (See Exhibit 2) The Department determined that Emmett's bid was responsive and awarded the contract to Emmett's.

Similarly here, Granite properly completed its Subcontractor List. Papich's allegation that Granite failed to properly list subcontractors that are doing less than 100% of the work has no merit. Papich claims that on the Subcontractor List form Granite submitted on bid day, Granite listed A.C. Dike and KRC Safety for 100% of their respective scope

of work. That is untrue. On bid day, Granite did not include any information concerning the percentage of the portion of work subcontracted. In full compliance with the Contract specifications and Subcontractor Listing Law, Granite only included the name, location of the place of business, the California contractor license number and the description of the listed subcontractor's scope of work on the Subcontractor List submitted with its bid. Thereafter, in strict conformance with the specifications and as the Department directs on the Subcontractor List form, Granite timely submitted its 24-hour Subcontractor List, which provided the bid item numbers along with the percentages of the portion of the work subcontracted for each listed subcontractor. Granite's bid-day Subcontractor List and 24-hour Subcontractor List were entirely consistent.

Papich contends that on the Subcontractor List submitted at bid time, Granite should have indicated "partial" where the listed subcontractor was only going to perform part of the identified description of work. However, as the Department has previously recognized and determined, bidders are not required to list "partial" within the description of portion of work on the Subcontractor List for subcontractors who will be performing less than 100% of a bid item. Indeed, nothing in the bid instructions or specifications requires a bidder to specify at bid time whether the listed subcontractor(s) will be performing all or only part of the identified scope of work. Per the specifications, information regarding the bid item numbers and associated percentage of the portion of work subcontracted may be submitted up until 24 hours after bid opening.

Papich claims that the Department's determination on Contract 04-1SS024 supports Papich's position. Here again, Papich is incorrect. On Contract 04-1SS024, the bidder, in its initial Subcontractor List, improperly listed a subcontractor to perform certain work identified as "partial." The bidder later changed its listing to provide that the subcontractor would perform 100% of the subject scope of work. In that case, it was the inclusion of "partial" on the Subcontractor List submitted on bid day that ultimately caused the bid to be rejected as non-responsive. That is not what occurred here. On the Subcontractor List form Granite submitted with its bid, Granite did not list any subcontractors as performing only "partial" work. Rather, on bid day, consistent with the Contract specifications, Granite made no representation as to the percentages of the portion of work to be subcontracted. Granite timely supplied that information with its 24-hour submittal. Granite's Subcontractor List is fully responsive.

The Bid Item Numbers Listed for Super Seal & Stripe ("Super Seal") and St. Francis Electric ("St. Francis") are Consistent with the Description of Portion of Work Listed for Those Subcontractors

Granite listed Super Seal on the Subcontractor List submitted with its bid and listed "Pavement Delineation" as the description of portion of work. Granite then included Bid Item 50 (Mobilization) as one of the bid item numbers for Super Seal on the Subcontractor List submitted within 24 hours of the bid opening. Similarly, Granite listed St Francis on the Subcontractor List submitted with its bid and listed "Electrical" as

the description of portion of work. Granite then included Bid Item 50 (Mobilization) as one of the bid item numbers for St. Francis on the Subcontractor List submitted within 24 hours of the bid opening. The Department has consistently determined that Mobilization is not required to be listed separately within the description of portion of work. This is evidenced by the following examples.

For Contract 04-2A2504, Granite Rock Company ("GRC") protested the bid submitted by Bay Cities Paving & Grading, Inc. ("Bay Cities"). Among other things, GRC alleged that Bay Cities expanded the scope of work for Flatiron Electric, Central Striping, and Drill Tech Drilling when it included the bid item number for Mobilization, but had not listed Mobilization as the description of portion of work for those three subcontractors. The Department determined that GRC's protest lacked merit and stated, "**Mobilization is relative to the scope of work performed by these subcontractors as they must first mobilize onto the Project site in order to complete their work, and mobilization, by itself, is not considered work requiring a contractor's license.**" (See Exhibit 3)

For Contract 07-1218W4, Atkinson Constructors, LP (Atkinson") protested the bid submitted by Security Paving Company, Inc. ("Security"). Among other things, Atkinson alleged that Security changed the scope of work for High Light Electric, Inc. and Becho Inc. when Security listed the bid item number for Mobilization, but had not listed Mobilization within the description of portion of work for those two subcontractors. The Department determined that Atkinson's protest lacked merit and stated, "**Concerning Mobilization not being a component of Electrical or CIDH Concrete Piling, Isolation Casing and Tie Downs, Caltrans determination is that Mobilization is a component of all bid items.**" (See Exhibit 4)

Similarly here, Papich's allegation that Granite added to the scope of work for Super Seal and St. Francis by including Bid Item 50 (Mobilization) as one of the bid item numbers on the Subcontractor List has no merit. As the Department has previously recognized and determined, Mobilization is a component of all items of work, including Pavement Delineation and Electrical, as the subcontractors must first mobilize onto the project site in order to complete the work.

The Department's Letters Attached to Papich's Protest are not Applicable to Granite's Bid

In purported support of its protest, Papich attached three Department letters. However, those letters are inapplicable to and distinguishable from the present circumstances.

In the case of Contract 03-4M5804, O.C. Jones & Sons, Inc. ("OCJ") listed FBD Vanguard ("Vanguard") and listed "Agg Base approach slab" as the description of subcontracted work. However, on its Subcontractor List submitted within 24 hours of the bid opening, OCJ listed the bid item number for Traffic Control System to be performed by Vanguard. Since Traffic Control System was not part of the Aggregate Base

Approach Slab work, the Department determined that OCJ had improperly changed its Subcontractor List.

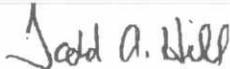
In the case of Contract 06-360214, DeSilva Gates Construction, LP ("DeSilva") did not include Fences, Gates, and Railing as a description of subcontracted work on the Subcontractor List submitted with its bid, thus indicating that DeSilva would be self-performing that work. However, on its Subcontractor List submitted within 24 hours of the bid opening, DeSilva added All Steel Fence, Inc. as a subcontractor and added Fences, Gates, and Railing as a description of subcontracted work. That was a clear addition to the Subcontractor List and resulted in a determination that DeSilva made an improper change to the Subcontractor List.

In the case of Contract 04-1SS024, Gordon N. Ball, Inc. ("Ball") listed RMT Landscape ("RMT") and listed "Erosion Control (Partial)" as the description of subcontracted work. However, on its Subcontractor List submitted within 24 hours of the bid opening, Ball indicated that RMT would be performing 100% of each of the Erosion Control bid items. That was a clear change from "partial" to 100% and resulted in a determination that Ball made an improper change to the Subcontractor List.

In summary, Granite's Subcontractor List satisfies the requirements of the Subcontractor Listing Law and the Contract specifications, and Granite's bid is fully responsive. Granite respectfully requests that the Department reject Papich's protest as without merit. Granite is fully prepared to perform this project using the properly specified services of its listed subcontractors and DBE firms.

If you have any questions or would like additional information, please contact me at (559) 441-5724.

Sincerely,



Todd A. Hill
Area Manager

Enclosures:

Exhibit 1 - Subcontractor List submitted by DeSilva Gates Construction, LP for Contract No. 03-4F0704

Exhibit 2 - Subcontractor List submitted by Emmett's Excavation, Inc. for Contract No. 06-0M8204

Exhibit 3 - Department's Letter for Contract No. 04-2A2504

Exhibit 4 - Department's Letter for Contract No. 07-1218W4

Exhibit 1

Subcontractor List submitted by DeSilva Gates Construction, LP for

Contract No. 03-4F0704

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 03-4F0704 Project ID: 0314000020

Bidder Name: DeSilva Gates Construction LP

Bidder ID: VC0000003932

List this sub? Yes

4) Business Name M.F. MAHER, INC.

Location City VALLEJO State CA

California Contractor License Number (a) 269039

Description of Portion of Work

Minor Concrete (Minor Structure), Miscellaneous Iron & Steel

Bid Item Numbers

Percentage of Bid Item Subcontracted

List this sub? Yes

5) Business Name ST. FRANCIS ELECTRIC

Location City SAN LEANDRO State CA

California Contractor License Number (a) 335324

Description of Portion of Work

Electrical & Related

Bid Item Numbers

Percentage of Bid Item Subcontracted

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 03-4F0704 Project ID: 0314000020

Bidder Name: DeSilva Gates Construction

Bidder ID: VC0000003932

List this sub? Yes

4) Business Name M.F. MAHER, INC.

Location City VALLEJO State CA

California Contractor License Number (a) 269039

Description of Portion of Work

Minor Concrete (Minor Structure), Miscellaneous Iron & Steel

Bid Item Numbers

101

Percentage of Bid Item Subcontracted

74

Bid Item Numbers

120

Percentage of Bid Item Subcontracted

100

Bid Item Numbers

Percentage of Bid Item Subcontracted

Bid Item Numbers

Percentage of Bid Item Subcontracted

Bid Item Numbers

Percentage of Bid Item Subcontracted

List this sub? Yes

5) Business Name ST. FRANCIS ELECTRIC

Location City SAN LEANDRO State CA

California Contractor License Number (a) 335324

Description of Portion of Work

Electrical & Related

Bid Item Numbers

143

Percentage of Bid Item Subcontracted

100

Bid Item Numbers

144

Percentage of Bid Item Subcontracted

100

Bid Item Numbers

145

Percentage of Bid Item Subcontracted

100

Bid Item Numbers

146

Percentage of Bid Item Subcontracted

100

Bid Item Numbers

147, 148

Percentage of Bid Item Subcontracted

100, 100

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 03-4F0704 Project ID: 0314000020

Bidder Name: DeSilva Gates Construction LP

Bidder ID: VC0000003932

BID ITEM LIST

Item No.	Item Code	Item Description	Estimated Quantity Unit of Measure	Unit Price	Item Total
95	397005	TACK COAT	4.6 TON	2,000.00	9,200.00
96	044707	JACK AND LOWER BRIDGE	LUMP SUM LS	LUMP SUM	1,000.00
97	490508	FURNISH STEEL PILING (HP 10 X 57)	641.0 LF	50.00	32,050.00
98	490509	DRIVE STEEL PILE (HP 10 X 57)	20.0 BA	3,500.00	70,000.00
99(F)	510051	STRUCTURAL CONCRETE, BRIDGE FOOTING	116.0 CY	600.00	69,600.00
100(F)	510053	STRUCTURAL CONCRETE, BRIDGE	785.0 CY	1,050.00	824,250.00
101(F)	510502	MINOR CONCRETE (MINOR STRUCTURE)	2.2 CY	4,000.00	8,800.00
102	511106	DRILL AND BOND DOWEL	49.0 LF	30.00	1,470.00
103	519133	JOINT SEAL (ASPHALTIC PLUG)	69.0 LF	300.00	20,700.00
104(F)	520102	BAR REINFORCING STEEL (BRIDGE)	387,400.0 LB	1.00	387,400.00
105	560248	FURNISH SINGLE SHEET ALUMINUM SIGN (0.063"-UNFRAMED)	110.0 SQFT	15.00	1,650.00
106	560249	FURNISH SINGLE SHEET ALUMINUM SIGN (0.080"-UNFRAMED)	110.0 SQFT	15.00	1,650.00

Exhibit 2

Subcontractor List Submitted by Emmett's Excavation, Inc. for

Contract No. 06-0M8204

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 06-0M8204 Project ID: 0600020013

Bidder Name: Emmett's Excavation, Inc.

Bidder ID: VC0000103869

List this sub? Yes

8) Business Name WABO LANDSCAPE & CONSTRUCTION, INC.

Location City HERCULES State CA

California Contractor License Number (a) 962263

Description of Portion of Work

LANDSCAPE & IRRIGATION

Bid Item Numbers

Percentage of Bid Item Subcontracted

List this sub? Yes

9) Business Name MADCO ELECTRIC, INC.

Location City SELMA State CA

California Contractor License Number (a) 749098

Description of Portion of Work

MODIFY RAMP METERING SYS, & MODIFY LIGHTING

Bid Item Numbers

Percentage of Bid Item Subcontracted

From:

09/04/2014 11:51

#907 P.006/006

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 06-0M8204 Project ID: 0600020013

Bidder Name: Emmett's Excavation, Inc.

Bidder ID: VC0000103869

List this sub? Yes

8) Business Name WABO LANDSCAPE & CONSTRUCTION, INC.

Location City HERCULES State CA

California Contractor License Number (a) 962263

Description of Portion of Work

LANDSCAPE & IRRIGATION

Bid Item Numbers

30, 31, 32, 33,

Percentage of Bid Item Subcontracted

100, 100, 100, 100

Bid Item Numbers

34, 35, 36

Percentage of Bid Item Subcontracted

100, 100, 100

Bid Item Numbers

Percentage of Bid Item Subcontracted

Bid Item Numbers

Percentage of Bid Item Subcontracted

Bid Item Numbers

Percentage of Bid Item Subcontracted

List this sub? Yes

9) Business Name MADCO ELECTRIC, INC.

Location City SELMA State CA

California Contractor License Number (a) 749098

Description of Portion of Work

MODIFY RAMP METERING SYS, & MODIFY LIGHTING

Bid Item Numbers

68, 69

Percentage of Bid Item Subcontracted

99, 100

Bid Item Numbers

Percentage of Bid Item Subcontracted

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 06-0M8204 Project ID: 0600020013

Bidder Name: Emmett's Excavation, Inc.

Bidder ID: VC0000103869

BID ITEM LIST

Item No.	Item Code	Item Description	Estimated Quantity Unit of Measure	Unit Price	Item Total
61	027617 MARKERS	CONCRETE BARRIER	25.0 EA	12.00	300.00
62	027618 TRANSITION CONNECTION	CONCRETE BARRIER	75.0 LF	366.00	27,450.00
63	027619 CRASH CUSHION SYSTEM	ALTERNATIVE	5.0 EA	20,000.00	100,000.00
64	839701 (TYPE 60)	CONCRETE BARRIER	770.0 LF	124.00	95,480.00
65	839703 (TYPE 60C)	CONCRETE BARRIER	1,010.0 LF	92.00	92,920.00
66	840515	THERMOPLASTIC PAVEMENT MARKING	170.0 SQFT	7.00	1,190.00
67	860090	MAINTAINING EXISTING TRAFFIC MANAGEMENT SYSTEM ELEMENTS DURING CONSTRUCTION	LUMP SUM LS LS LS	LUMP SUM	10,000.00
68	861088	MODIFY RAMP METERING SYSTEM	LUMP SUM LS	LUMP SUM	108,000.00
69	861503	MODIFY LIGHTING	LUMP SUM LS	LUMP SUM	28,000.00
70	BLANK		LUMP SUM LS	LUMP SUM	0.00
71	027862	ALTERNATIVE TEMPORARY CRASH CUSHION SYSTEM	3.0 EA	2,050.00	6,150.00

Exhibit 3

Department's Letter for Contract No. 04-2A2504

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



*Serious drought.
Help save water!*

May 29, 2014

Facsimile: (408) 365-8349

Paul L. Cianciarulo, Estimator
Granite Rock Company
120 Granite Rock Way
Riverside, CA 92503

04-2A2504
04- 04-SC1-152-0.1/5
B.O. 04/29/2014

Dear Mr. Cianciarulo:

The Department of Transportation (Caltrans) received the attached letter dated May 6, 2014, from Granite Rock Company (Granite Rock) protesting the bid submitted by Bay Cities Paving & Grading, Inc. (Bay Cities). The protest alleges that Bay Cities impermissibly expanded the scope of work for ABSL when it listed Bid Item 51 (Roadway Excavation) to work initially listed as AC Grinding. In addition, included Bid Item 145 (Mobilization) to work subcontracted to Flatiron Electric, Central Striping and Drill Tech Drilling. Granite Rock is requesting that Caltrans find the bid submitted by Bay Cities nonresponsive and the award the contract to Granite Rock.

Caltrans reviewed the bid documents as well as this protest and finds that Bay Cities properly followed the bidding instructions on bid date by identifying the subcontractor and the description of work for AC Grinding. On the 24 hour submittal Bay Cities provided the same information and the corresponding bid item numbers to that description of work. It is the opinion of Caltrans that by including 2% of bid item 51, Roadway Excavation on the 24 hour submittal, Bay Cities did not expand the scope of work set forth for ABSL in the bid day submission of the Subcontractor list as AC Grinding is a component of the Roadway Excavation on this Project.

With respect to the protest as it relates to Flatiron, Central Striping and Drill Tech Drilling, Mobilization is relative to the scope of work being performed by these subcontractors as they must first mobilize onto the Project site in order to complete their work, and mobilization, by itself, is not considered work requiring a contractor's license.

Based on the above, Caltrans finds that Granite Rock's protest lacks merit and will award the contract to the lowest responsive bidder.

Exhibit 4

Department's Letter for Contract No. 07-1218W4

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN, Jr. Governor

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!*

November 29, 2012

Facsimile: (949) 855-9923

John Harrington, Vice President
Atkinson Contractors, LP.
27422 Portola Parkway, Suite 250
Foothill Ranch, CA 92610

07-1218W4
07-LA-5-29.4/31.6
B.O. 10/4/12

Dear Mr. Harrington:

The Department of Transportation (Caltrans) received the attached letter dated November 20, 2012 from Atkinson Contractors, LP., (Atkinson Contractors) protesting Security Paving Company, Inc's., (Security Paving) Subcontractor List form. The protest states that bid item 284 Delineator (Class 1) and bid item 296 Crash Cushion (React 9CBB) was added to Ace Fence on the revised Subcontractor List form though it was not present on the Subcontractor list form submitted with the bid. In addition Atkinson Contractors alleges that the change from "Hilite Electric, Inc." to "High Light Electric, Inc." on the revised Subcontractor List form is a revision. Atkinson also claims that bid item 348 Mobilization does not fall under the scope of Electrical or CIDH Concrete Piling, Isolation Casing and Tie Downs. Finally Atkinson Contractors alleges that Security Paving is not able to self perform bid item 344 Modify Lighting and Sign Illumination. Atkinson Contractors requests Caltrans find Security Paving nonresponsive.

Caltrans has reviewed the protest and has determined that both item 284 Delineator (Class 1) and bid item 296 Crash Cushion (React 9CBB) are components of Guard Rail. Concerning the name correction from "Hilight" to "High Light", this is a clerical correction and not a revision as the address remained the same on both the Subcontractor List form and the revised Subcontractor List form. Concerning Mobilization not being a component of Electrical or CIDH Concrete Piling, Isolation Casing and Tie Downs, Caltrans determination is that Mobilization is a component of all bid items. Lastly, concerning Security Paving not being able to self perform bid item 344 Modify Lighting and Sign Illumination, Security Paving has a Class A license and as such can perform the scope of work listed in bid item 344.

Based on the above, Caltrans finds Atkinson Contractors' protest lacks merit and will award the contract to the lowest responsive bidder.

If you have any questions, please contact Dave Neumann, Contract Awards Senior, at (916) 227-6285.

Sincerely,

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

Attachment