



634 Printz Road

Arroyo Grande, Ca. 93420

Office (805) 489-7779 · Fax (805) 473-2479

April 25, 2013

Via Fax And US Mail

State of California  
Department of Transportation  
MSC 43  
Office Engineer  
1727 30<sup>th</sup> Street  
Sacramento CA, 95816-6282

Facsimile Number 916-227-6282

Attn: John McMillan, Deputy Division Chief

RE: Bid Protest  
Contract 06-0P6304  
Bid Opening Date 4-10-2013

Please consider this letter a formal response to Jabre Contracting response to Brough Construction Inc formal bid protest regarding contract No. 06-0P6304. Within the response letter from Jabre they admitted that the subcontractor list column 3 percent of bid item subcontracted was computed incorrectly and should be found as a minor irregularity. In the past Caltrans has found other bidders to be non responsive see Attachment "A". In this case Caltrans Contract No. 04-014084 C. Overaa & Co. listed percentages that reflected the total amount of their bid rather than a percentage of the bid item subcontracted and was found to be nonresponsive.

Based upon the facts mentioned above Jabre must be deemed non responsive and the contract awarded to the lowest and responsible bidder Brough Construction Inc.

Thank you,  
John Souza

**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) 227-6280  
 FAX (916) 227-6282  
 TTY 711



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ATTACHMENT "A"

February 21, 2013

Facsimile: (510) 237-2435

Larry Etcheverry, Vice President  
 C. Overaa & Co.  
 200 Parr Boulevard  
 Richmond, CA 94801

04-014084  
 04-Ala-80-2.2  
 B.O. 01/16/2013

Dear Mr. Etcheverry:

The Department of Transportation (Caltrans) received a bid submitted by C. Overaa & Co. (Overaa) for Contract No. 04-014084 on January 16, 2013. By this letter, Caltrans notifies Overaa that its bid is nonresponsive because it failed to properly complete the Subcontractor List form. Specifically, in Column 3, Overaa listed percentages that reflect the total amount of their bid rather than a percentage of the bid item subcontracted, therefore the bid is inaccurate.

The Subcontractor List form states in part, "...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."

Based on the above action, Caltrans will proceed to award the contract to the lowest responsive bidder, provided that all requirements are met.

Your attention is directed to Section 3-1.02 of the Amendments to the 2006 Standard Specifications. Caltrans is not obligated to offer an extension of the award period for a nonresponsive bid. Should you wish to extend your bid while resolving a nonresponsive finding, you must send your request to the Office Engineer no later than 4:00 p.m., two business days prior to the expiration of your bid.

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

Attachment

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ARROYO GRANDE, CA. 93420  
OFFICE (805) 489-7779 · FAX (805) 473-2479

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FACSIMILE TRANSMITTAL SHEET

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To:  
John McMillan

From:  
John Souza

Fax Number: 916-227-6282

Date:  
4-25-2013

COMPANY:

TOTAL NO. OF PAGES INCLUDING COVER:  
3

PHONE NUMBER:

SENDER'S REFERENCE NUMBER:

Re:

YOUR REFERENCE NUMBER:

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URGENT

FOR REVIEW

PLEASE COMMENT

PLEASE REPLY

PLEASE RECYCLE

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NOTES/COMMENTS:

ATTACHED PLEASE FIND OUR FORMAL RESPONSE  
CONTRACT NO. 06-0P6304 WHICH BID 4-10-13