



March 31, 2014

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VIA FACSIMILE (916) 227-6282 AND FEDEX

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: Contact No. 06-0Q8104  
06-KER-155,204-R5.6/R11.0;R0.0/3.7  
Bids Opened March 26, 2014  
Bid Protest of Griffith Company to Award of Contract to Chester  
Bross

Dear Mr. McMillan,  
Griffith Company, the second lowest monetary bidder for this contract, hereby protests the bid of the lowest monetary bidder, Chester Bross Construction Company ("CBCC"). As explained in more detail below, CBCC's bid fails to comply with both State and Federal contract approval processes. Therefore, CBCC's bid must be deemed non-responsive and the contract awarded to the lowest responsive and responsible bidder, Griffith Company.

CBCC bid Contract Item No.13 to provide 140 tons of Asphaltic Emulsion Membrane for a total cost of \$140(or \$1.00 per ton). The average total bid for this item from the 2<sup>nd</sup> and 3<sup>rd</sup> low bidder is \$106,050 (or \$757.50 per ton). This item is unbalanced by 75,650% from the average. Furthermore, from the 2012 Contract Cost Data published by Caltrans the average unit price for this item of work in 2012 was \$692.38 per ton. It is clear that CBCC materially unbalanced its bid to the detriment of Caltrans. The estimated quantity of membrane shown on the drawings is 5% (7 ton) less than shown on the bid schedule. If this is the quantity shown on the drawings is the true quantity then Caltrans will not benefit from the savings on the under run item and will end up paying more for the project due to the unbalanced bid.

It is Caltrans duty to protect the integrity of the bidding process and protect the interests of the State. Therefore, Caltrans must deem CBCC's bid non-responsive and award the contract to Griffith Company.



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Should you have any questions regarding this request please call me at (661)392-6640.

Respectfully,

Lucas J. Walker  
 Regional Manager  
 Griffith Company

cc: Bid File