

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 30th STREET
P. O. BOX 168041
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6300
FAX (916) 227-6282
TTY 711



*Flex your power!
Be energy efficient!*

April 10, 2013

Facsimile: (559) 441-5791

Todd Hill, Construction Manager
Granite Construction Company
2716 Granite Court
Fresno, CA 93706

06-430704
06-Tul-216-1.9/2.9
B.O. 03/20/2013

Dear Mr. Hill:

The Department of Transportation (Caltrans) received the attached letter dated April 4, 2013 from Granite Construction Company (Granite) protesting that Lee's Paving, Inc. (LPI) revised the description of subcontracted work in column 4 on its Subcontractor List.

Caltrans did not complete an evaluation of this protest since the bid submitted by LPI was found nonresponsive.

Based on the above, Caltrans finds Granite's protest has no bearing on the awarding of this contract. Caltrans will proceed to award the contract to the lowest responsible bidder provided that all requirements are met.

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 large, stylized scribble.

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

Attachment



Granite Construction Company
2716 Granite Court
Fresno, CA 93706
T 559.441.5700
F 559.441.5791
graniteconstruction.com

April 4, 2013

VIA FACSIMILE (916) 227-6282

Mr. John McMillan
Department of Transportation
Deputy Division Chief
Office Engineer, MS 43
Division of Engineering Services
1727 30th Street
Sacramento, California 95816-8041

RE: Caltrans Contract No. 06-430704 (the "Contract")
Bid Opening: 03/20/2013

Dear Mr. McMillan:

Granite Construction Company ("Granite") submitted a bid to the California Department of Transportation (the "Department") for the above-referenced Contract. Currently, Lee's Paving, Inc. ("LPI") is the apparent low bidder and Granite is the second low bidder. LPI's bid is nonresponsive because it fails to comply with the Contract requirements for subcontractor listing.

The Department's 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."

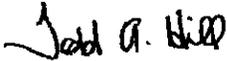
LPI's original Subcontractor List submitted with its bid (Attachment 1) and LPI's second Subcontractor List submitted after the bid opening (Attachment 2) are materially inconsistent. After the bid opening, LPI revised its Subcontractor List by adding subcontracted work for CMG Hydroseeding ("CMG") that was not included in the original Subcontractor List. LPI's original Subcontractor List identified "Temp. fence" as the description of subcontracted work for CMG. However, after the bid opening, LPI added "Temp Fiber Roll" to the description of subcontracted work for CMG in column 4 of its second Subcontractor List. LPI also included Bid Item No. 4 (Temporary Fiber Roll) and Bid Item No. 8 (Temporary Soil Binder) in column 2 of its second Subcontractor List. Both

of those bid items are inconsistent with LPI's original description of subcontracted work for CMG.

LPI's bid does not comply with the Contract requirements for subcontractor listing. LPI revised the description of subcontracted work in column 4 on its Subcontractor List and is attempting to expand the scope of work subcontracted to CMG after the bid opening. Granite respectfully requests that the Department reject LPI's bid as nonresponsive and award the contract to Granite, which submitted the lowest responsive bid for the Contract.

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

Sincerely,



Todd A. Hill
Construction Manager

Enclosures:

- Attachment 1 – Lee's Paving, Inc. original Subcontractor List submitted with its bid
- Attachment 2 – Lee's Paving, Inc. second Subcontractor List submitted after the bid opening

Attachment 1

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
 DES-DE-0102.2 (REV 3/2011)

Bidder Name: Lee's Paving, Inc.

The bidder must identify each subcontractor performing work in an amount in excess of 1/2 of 1 percent of the total bid or \$10,000, whichever is greater (Pub Cont Code § 4100 et seq.). Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916) 227-8282 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.

Column 1: Business Name and Location Column 2: Bid Item Nos. Column 3: Percentage of Bid Item Subcontracted Column 4: Description of Subcontracted Work

Column 1: Business Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
Rainscape Visalia, CA			Erosion control & irrigation system
H. Alopoff & Sons, Inc. Porterville, CA			pipe & related items concrete & related items
Sembrano Traffic Control Wilton, CA			traffic control striping & related items
Safety Striping Service Foshen, CA			fence
Central Fence Co Sacramento, CA			Temp. fence
CMA Hydroseeding Fresno, CA			Remove concrete clean & grub
Krocker, Inc. Fresno			Portion of road way up
South West Grind- ing Visalia			Signs, mailbox markers & delineators
KRC Safety Visalia, CA			Asac Testing for HMA
Trinity Eng. Lab Clovis			

ADA Notice: For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 884-6410 or TDD (916) 854-3880 or Public Records and Forms Management, 1120 N Street, 95833, Sacramento, CA 95814.

Dofmiller Machinery, Inc. for sign
 Fresno, CA
 Mado Electric electrical
 Selma

Contract No. 06-430704

none

Attachment 2
(page 1 of 3)

Lee's Paving, Inc

1212 North Plaza Drive
Visalia, CA 93291
Phone (559) 651-1337
Fax (559) 651-2335

Fax Transmittal

Date: 3-21-13 (8:10 AM)

To: _____

Company: Cal-Trans

Fax Number: 916-227-6282

From: Lee McClatchey

Number of Pages 3 Including This Cover Page

If you do not receive all of the pages please call (559) 651-1337.

Comments: Sub-List for Contract #06-480704

(page 2 of 3)

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
 DES-06-0102.2 (REV 3/2011)

Bidder Name: *Lee's Paving, Inc.*

The bidder must identify each subcontractor performing work in an amount in excess of 1/2 of 1 percent of the total bid or \$10,000, whichever is greater (Pub. Cont. Code, §4100 et seq.). Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916) 227-6262 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.

Column 1: Business Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
<i>Rainscape Visalia, CA</i>	<i>31, 32, 33, 35</i>	<i>100%</i>	<i>Erosion Control & Irrigation System</i>
<i>Halopoff & Sons Inc. Porterville, CA</i>	<i>19, 18, 53, 34 41, 46, 47, 48 49, 50, 51, 52 21</i>	<i>100% 10%</i>	<i>Pipe & Related Items Concrete & Related Items</i>
<i>Sambrano Traffic Control Lilton, CA</i>	<i>11</i>	<i>100%</i>	<i>Traffic Control</i>
<i>Safety Striping Service Goshen, CA</i>	<i>16, 28, 57, 58 59, 60, 61, 62 63, 64, 65, 66 75, 76, 77</i>	<i>100%</i>	<i>Striping & Related Items</i>
<i>Central Fence Co. Sacramento, CA</i>	<i>15 54</i>	<i>58% 100%</i>	<i>Fence</i>
<i>CMG Hydroscooting Fresno, CA</i>	<i>4, 8</i>	<i>100%</i>	<i>Temp. Fence & Temp. Filter Roll</i>
<i>Kroeker Inc. Fresno, CA</i>	<i>15 25 26</i>	<i>42% 100% 100%</i>	<i>Remove Concrete, Clear & Grub</i>
<i>South Mack Grinding Visalia, CA</i>	<i>27</i>	<i>22%</i>	<i>Portion of Rd. Way Ex.</i>
<i>KRC Safety Co. Visalia, CA</i>	<i>10, 17, 19, 20 22, 42, 43, 44 45, 47, 55, 56</i>	<i>100%</i>	<i>Signs, Mailboxes, Markers & Delimiters</i>

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Contract No. 06-430704

Attachment 2

(page 3 of 3)

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
DES-0E-0102.2 (REV 3/2011)

Bidder Name: *Lee's Painting, Inc.*

The bidder must identify each subcontractor performing work in an amount in excess of 1% of 1 percent of the total bid or \$10,000, whichever is greater (Pub Cont Code §4100 et seq.). Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916) 227-8282 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.

Column 1: Business Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
<i>Trinity Eng. Lab, Clovis, CA</i>	<i>38</i>	<i>2.5%</i>	<i>QA/QC Testing for HMA</i>
<i>Dorfmeier Masonry Inc Fresno, CA</i>	<i>21</i>	<i>41%</i>	<i>Portion of Reconstruct Sign</i>
<i>Madco Electric Selma, CA</i>	<i>68, 69, 70, 71, 72, 73, 78</i>	<i>100% 67%</i>	<i>Electrical</i>

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Contract No. 06-430704

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

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

Apr 11 2013 10:15am

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
915594415791	Normal	11:10:12am	2'25"	7	* 0 K	

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
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Be energy efficient!*

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Todd Hill, Construction Manager
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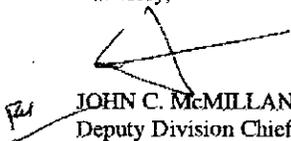
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Sincerely,


JOHN C. McMILLAN
Deputy Division Chief
Office Engineer
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