



1212 N. Plaza Dr. • Visalia, CA 93291
Phone 559/651-1337 • Fax 559/651-2335

April 8, 2013

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

Re: Contract Bid #06-430704, Bid Protest from Granite Construction

Mr. McMillan:

There are several reasons why Granite Construction protest has no merit.

First, it is my belief and understanding the reason Caltrans gives 24 hours to turn in the listings of related items, Section 2-1.33A, is the limited time we have when bidding these jobs and relaying them to our bid runners in Sacramento for the bid opening. The three items in question by Granite Construction are all temporary items making them related.

Second, CMG items are less than ½ of 1% which per Section 2-1.33C does not even have to be listed.

Third, the temporary items in questions may or may not be used do to job conditions.

Forth, the awarding authority has the option to wave minor infractions that do not make the bid materially different than intended. This is defiantly a minor infraction and there is no change to the bid price.

Almost every bid has minor discrepancies including Granite Construction's bid on this job. Granite Construction's Subcontractor List submitted with its bid showed Safety Striping Service doing Pavement Delineation and nothing showing anything of them doing Traffic Control but after bid opening they showed Safety Striping Service doing a small amount of Traffic Control, which is adding a additional item of work to there sub listing. Granite Construction also has a discrepancy showing between there subcontractor's listing and the DVBE summary for Safety Striping by adding a additional item of work on the DVBE summary which increased there DVBE total dollar amount. By Granite Construction protesting my minor infraction is like the burnt pot calling the kettle black.

If Caltrans would wave these minor infractions that do not change the bid price or make the bid materially different than intended it would speed up the award process and save the agency a lot of time and money. It would also stop a lot of these trivial protests and the award would once again go to the lowest bidder instead of the biggest protester.

Another point for the award authority to maybe consider is this job is in front of a High School and needs to be done as much as possible while school is out for the summer and by not waving this minor infraction could possibly cause a delay in award, causing considerable inconvenience to the school and the public.

Caltrans decided a protest for a similar infraction against, copy attached, Security Paving was considered to have no merit on Contract #06-471004. So what is good for the goose is also good for the gander.

Please consider waving this minor infraction for all the above reasons and contend that Granite Construction's protest has no merit.

Sincerely,



L.D. McClatchey
President



Granite Construction Company
2716 Granite Court
Fresno, CA 93706

▼ 559.441.5700
☎ 559.441.5791

g@niteconstruction.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."

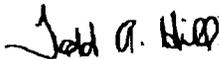
LPI's original Subcontractor List submitted with its bid (Attachment 1) and LPI's second Subcontractor List submitted after the bid opening (Attachment 2) are materially inconsistent. After the bid opening, LPI revised its Subcontractor List by adding subcontracted work for CMG Hydroseeding ("CMG") that 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

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

Bidder Name: Granite Construction Company

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) 227-6282 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.

Column 1: Business Name and Location	Column 2: Bid Item No.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
Safety Striping Gardner, CA			Pavement Delineation
Modco electric Selma, CA			electrical vehicle classification station
central fence Sacramento, CA			fencing
KPE Safety con. Creston, CA			C.A.S., Roadside signs, furnish signs & mailbox relocate, delineators, object marker, inlet markers
LSL Sherman Oaks, CA			mulch, irrigation sleeve, HDPE conduit.

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Contract No. 06-430704

MAR. 20. 2013 10:30AM Granite Construction

NO. 7364 P. 2

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
DBS-CE-0102.2 (REV 3/2011)

Bidder Name: Granite Construction Company

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 Cost 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) 227-6282 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.

Column 1: Business Name and Location	Column 2: Bid Item No.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
RainScope Goshen, CA			IRRIGATION SYSTEM
Sanbrano traffic control Wilton, CA			traffic control

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Contract No. 06-430704

TM

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

Bidder Name: Granite Construction Company

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
Safety Striping Goshen, CA	11 16, 57-66, 76-77	7% 100%	Pavement Delineation
Medco Electric Selma, CA	68-73, 78	100%	Electrical, Vehicle Classification Station
Central Fence Sacramento, CA	54	100%	Fencing
MRC Safety Goshen, CA	10, 17, 20, 22 42-45, 48, 55 56	100%	C.A.S., Roadside Signs, Furnish Signs, Mailbox Relocate, Delineators, Object Marker, Inlet Markers
LSS Shawman Oaks, CA	31, 35, 36	100%	Mulch, Irrigation Sleeve, HDPE Conduit
Raincape Goshen, CA	33	100%	Irrigation System
Sabrano Traffic Control Wilton, CA	11	27%	Traffic Control

*Item 75 not included on PUBE Summary
Item 11 Not related to Pavement Delineation*

*Visalia, CA
Not Goshen, CA*

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Second Bidder

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
CERTIFIED DVBE SUMMARY
 DES-OE-0102.3 (REV 3/2008)

DISTRICT-COUNTY-ROUTE: 06-Tul-216-1.9/2.9
 CONTRACT NO.: 06-430704
 TOTAL BID: 4,261,761.00
 BID OPENING DATE: 3/20/13
 BIDDER'S NAME: Granite Construction Company
 DVBE PRIME CONTRACTOR CERTIFICATION ¹ _____

03-20-13A11:15 RCVD

Bid Item Number	Description of Work to Be Subcontracted to DVBE or Materials to Be Supplied by DVBE ²	For Caltrans Only	DVBE (Name, Telephone No., and Certification No.)	\$ Amount
11.16, 57-66 (75-77)	Pavement Delineation		Safety Striping 559-651-1022 #14354	66,358.50
11	Traffic Control		Sanbrano Traffic Control 916-687-6472 #1159740	39,025.00
12, 27	Equipment Rentals		D&B Equipment & Supplies 661-367-3002 #56727	23,700.00
3, 9, 28	SWPPP, Annual Report, Lead Compliance Plan		Global Environmental Network, Inc. 800-230-6944 #24765	4,825.00
Names of first tier DVBE subcontractors and their items of work listed must be consistent with the names and items of work in the Subcontractor List (Pub Cont Code § 4100 et seq.) submitted with the bid. Identify second and lower tier subcontractors on this form.				\$ <u>133,908.50</u> Total Claimed Participation <u>3.14</u> %

Bid Item
75 Not on
sub-listing

- DVBE prime contractors must enter their DVBE reference number or their DBA name as listed with Department of Central Services (DVBE prime contractors are credited with 100 percent DVBE participation and need not complete the above table).
- If 100% of an item is not performed or supplied by the DVBEs, describe the exact part, including the planned location of work to be performed, of item to be performed or supplied by DVBE.

Submit to:

MSC 43
 OFFICE ENGINEER
 DEPARTMENT OF TRANSPORTATION
 1727 30TH STREET
 SACRAMENTO, CA 95818-7005

Todd Hill 3/20/13
 Signature of Bidder Date

559-441-5700
 (Area Code) Telephone Number
Todd Hill, Construction Manager
 Contact Person (Type or Print)

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Contract No. 06-430704

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!*

December 7, 2012

Facsimile: (925) 961-1925

William S. Stewart, President
RGW Construction, Inc.
550 Greenville Road
Livermore, CA 94550

06-471004
06-Mad-99-R6.9/R8.2
B.O. 10/24/12

Dear Mr. Stewart:

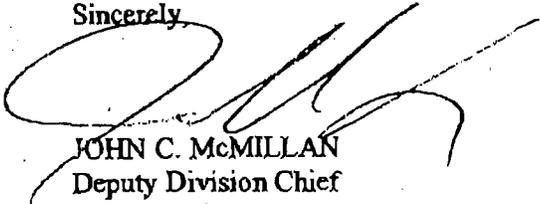
The Department of Transportation (Caltrans) received the attached letter dated November 7, 2012 from RGW Construction, Inc. (RGW Construction) protesting Security Paving Company, Inc.'s (Security Paving) Subcontractor List form. The protest states that bid item 162 Chain Link Railing (Type 7) was added to All Steel Fence, Inc. on the revised Subcontractor List form, though it was not on the Subcontractor List form submitted with the bid. RGW requests Caltrans find Security Paving nonresponsive and award the contract to RGW Construction.

After a review of the contract, Caltrans has determined that bid item 162 Chain Link Railing (Type 7) is a component of Fencing.

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

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

Sincerely,



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

Attachment

Lee's Paving, Inc.

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

Fax Transmittal

Date: 4-8-13

To: John McMillan

Company: Cal-Trans

Fax Number: 916-227-6282

From: Lee McClatchey

Number of Pages 19 Including This Cover Page

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

Comments: