



CORPORATE OFFICE
3080 E. Birch Street
Brea, CA 92821
(714) 884-5500
Fax (714) 884-8704

CENTRAL REGION
1128 Carrier Parkway Ave.
Bakersfield, CA 93309
(805) 882-6640
Fax (805) 383-8525

SOUTHWEST REGION
12200 Bloomfield Ave.
Santa Fe Springs, CA 90670
(682) 829-1128
Fax (682) 884-8970

EASTERN REGION
4788 Mission Blvd
Monclair, CA 91762
(805) 270-5040
Fax (805) 270-5042

STRUCTURE DIVISION
3050 E. Birch Street
Brea, CA 92821
(714) 884-5500
Fax (714) 884-0227

UNDERGROUND DIVISION
3050 E. Birch Street
Brea, CA 92821
(714) 884-6600
Fax (714) 884-0228

LANDSCAPE DIVISION
3050 E. Birch Street
Brea, CA 92821
(714) 884-5500
Fax (714) 884-7843

CONCRETE DIVISION
12200 Bloomfield Ave.
Santa Fe Springs, CA 90670
(682) 829-1128
Fax (682) 884-8970

MATERIALS DIVISION
3080 E. Birch Street
Brea, CA 92821
(714) 884-9800
Fax (714) 884-0229

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CA Contractors
License #988

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AZ Contractors
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March 2, 2015

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 30th Street, Bidder Exchange, MS 43
Sacramento, Ca. 95816-8041

Subject: Bid Protest - Contract No. 09-335004
In Mono County, 0.4 Miles N. Visitor Center Rd.
Bids Opened February 18, 2015

Dear Mr. McMillan,

It is Griffith Company's understanding that Papich Construction Co. (hereinafter "Papich") has been deemed the "Low Bidder". This Correspondence is provided as a formal protest to the bid submitted by Papich.

This protest is submitted on the basis that Papich's bid is nonresponsive and must be rejected. More specifically Papich's submitted Bid Item List includes the listing of Subcontractor Access Limited Construction for Bid Item Numbers 43, 44, 45 and 46. These bid items must be considered 100% since "Partial" is not included with items. However, when reviewing Papich's Subcontractor Bid Percentage Form, Bid Item Number 44 is listed at 79%, Bid Item Number 45 is listed at 57% and Bid Item Number 46 is listed at 89%. Additionally, Item Number 52 Mobilization or Mobilization "Partial" is not included at all which is a major portion of this subcontractor's quote. It appears that if Item Numbers 43, 44, 45 and 46 are found to be 100%, Papich would not self perform 30% of the contract in accordance with section 5 of the Standard Specifications.

California courts have held that a mistake with regard to the percentage of work to be completed by a subcontractor is a mistake which provides the public entity no choice but to reject the bid. Misstating the correct percentage of work to be done by a subcontractor is not in the nature of a typographical or arithmetical error. It makes the bid materially different and is a mistake in filling out the bid.

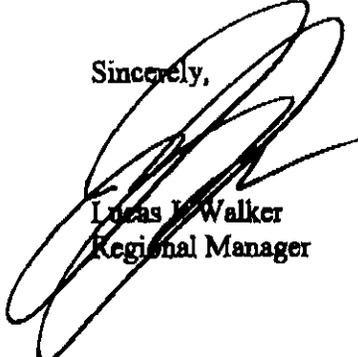
As prior bid protests have highlighted, a discrepancy between the submitted bid and the subcontractor listing form creates a revised "Subcontractor List" and is in

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violation of the Subletting and Subcontracting Fair Practices Act of the Public Contract Code. As a result, the bid submitted by Papich should be deemed nonresponsive and the award should be made to the next lowest bidder, Griffith Company.

We appreciate your time in reviewing the bids referenced herein. If we can provide any further assistance with regard to this protest, please contact this office at your earliest opportunity.

Sincerely,



Lucas J. Walker
Regional Manager