



January 23, 2015

State of California - Department of Transportation
Division of Engineering Services
Office Engineer
1727 30th Street, MS 43
PO Box 168041
Sacramento, CA 95816-8041

Telephone Number: (916) 227-6299
Facsimile Number: (916) 227-6282

Attn: Mr. John C McMillan – Deputy Division Chief

Re: Bid Protest – Rebuttal to Coffman Specialties, Inc Response
Contract Number 11-407004
Location 11-SD-8-R61.2/R77.88
Bid Opening Date: December 18, 2014

Dear Mr. McMillan,

Granite Construction Company ("Granite") provides the following rebuttal to the response letter submitted by Coffman Specialties, Inc. ("Coffman") on January 20, 2015 for the above-referenced Contract. We appreciate that the Department is well-versed in laws and specifications, governing the listing of subcontractors and the DBE program requirements. We do not wish to overburden the Department, but found it necessary to address some inaccuracies in Coffman's response. We respect the Department's time, efforts and diligence in this matter.

Coffman claims joint seals "are in the nexus of the bridge deck repair work." That is not correct. The joint seal work is not a component of the bridge deck repair, but rather, is more a function of the approach slab construction. For example, plan sheets 66 and 68 (attached) show the items of work to be completed at the McCain Valley Road and Carrizo Road bridges. While joint seal work is depicted on these plan sheets, there is no work for bridge deck repair. The scope of work on these two bridges consists of approach slabs, paving notch extensions and joint seal work. Bridge deck repair work is not included. Coffman specifically lists bridge deck repair and treatment in their subcontractor list and not joint seals. The joint seals are new items of work to be installed with the addition of approach slabs at the bridge locations.

Coffman also claims, "Caltrans included the Joint Seal Items in the 'Approach Slab / Deck Rehabilitation' Plan Sheets." However, the plan sheets are not limited to one scope of work, but rather, include various scopes of work. Also shown on these sheets are paving notch extensions and structural concrete approach slabs. These items along with joint seals are not "bridge deck repair and treatment." Furthermore, J Francis Company's proposal, seeming to recognize the distinction between the various scopes of work, provided three groups of work which falls into 2 separate types of work, namely (1) Bridge Rehabilitation work (section 15-5) and (2) Joint Seal work (section 51-2) as described by Caltrans Standard Specifications.

Granite Construction Company
440 S. Melrose Drive, Ste. 200 – Vista, CA 92081
Phone: 760-732-0910 / Fax: 760-758-1501

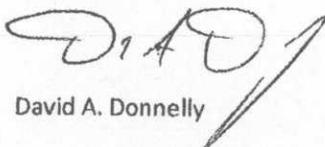
Coffman claims that items 44 and 45 are worth less than 0.5% of Coffman's total bid price and, therefore, did not have to be listed at bid time. This mischaracterizes the listing requirements under the Subletting and Subcontracting Fair Practices Act, California Public Contract Code 4100 et seq. ("Subcontractor Listing Law"). The Subcontractor Listing Law requires that subcontracted work in excess of one-half of one percent of the prime contractor's total bid or \$10,000 (whichever is greater), must be listed in the prime contractor's bid proposal. Cal. Pub. Contract Code, § 4104(a); also see Caltrans Construction Manual Section 3-5 (Control of Work). The stated threshold applies to the total aggregate amount to be subcontracted to the specified subcontractor, not, as Coffman suggests, each bid item. Subcontractor listing requirements are based upon the total bid price from a subcontractor as a percentage of the prime contractor's bid and NOT individual bid item pricing from the subcontractor as compared to the percentage of the prime contractor's bid.

Coffman's claim that they did not have to list J Francis Company for joint seals at bid time not only runs afoul of the Subcontractor Listing Law, but also violates the DBE Commitment form requirements. As mandated on the DBE Commitment form, "DBE Subcontractors and their respective items of work listed above must be consistent where applicable, with the names and items of work in the Subcontractor List submitted with your bid." However, contrary to this mandate, Coffman's DBE Commitment form and Subcontractor List submitted with its bid are not consistent. On its DBE Commitment form, Coffman listed J Francis Company to, in part, perform joint seal work. As reflected on J Francis' quote, the joint seal work represents \$99,898 of the total amount of claimed participation for J Francis. The joint seal work was not listed in Coffman's bid day Subcontractor List, and thus, Coffman's DBE Commitment form and bid day Subcontractor List are inconsistent. This violation of the DBE program requirements requires removal of the joint seal scope of work from the DBE commitment form. Without such joint seal work included, Coffman does not meet the DBE goal (and fails to demonstrate its good faith efforts to meet that goal).

In sum, Coffman's bid does not comply with the Subcontractor Listing Law and the bid specifications. Coffman is impermissibly attempting to expand and change the scope of work subcontracted to J Francis by adding an item of work (joint seal) that was not included in the Subcontractor Listing form submitted with its bid. Coffman also overstated its DBE participation for J Francis and cannot demonstrate its good faith efforts to meet the DBE goal. Such defects are material, give Coffman a competitive advantage over other bidders, and render Coffman's bid non-responsive. Granite respectfully requests that the Department find Coffman's bid non-responsive and award the contract to Granite, the lowest responsive and responsible bidder.

Your time and consideration of this matter are greatly appreciated. Please do not hesitate to contact me at (760) 732-0910 if you require additional information.

Regards,



David A. Donnelly

V.P. / Regional Manager – Southern California
Granite Construction Company

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Received
 From: Granite Construction - Vista 7607581501
 Jan 23 2015 05:17pm
 01/23/2015 17:11
 #682 P.004/005

LEGEND

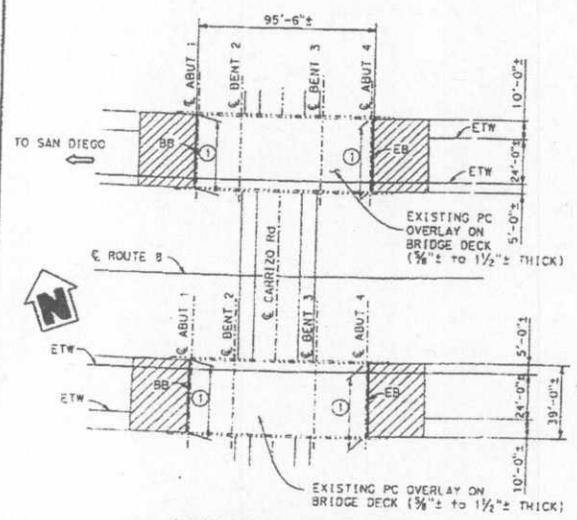
- Indicates Existing Structures
- Indicates location of new Joint Seal.
- [X] Structure Location, see Joint Seal Table on "JOINT SEAL DETAILS" sheet.
- (1) Limits of Paving Notch Extension

- [Hatched Box] Indicates Limits of Approach Slab Type R(300)
- [Cross-hatched Box] Indicates Limits of AC Overlay Removal and Prepare and Treat Bridge Deck with Methacrylate. See "Deck Repair Detail" on "JOINT SEAL DETAILS No. 2" sheet.

DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET NO.	TOTAL SHEETS
11	SD	8	R61.2/R77.8	68	71

Registered Civil Engineer
 DATE: 09/27/14
 09-29-14
 PLANS APPROVAL DATE

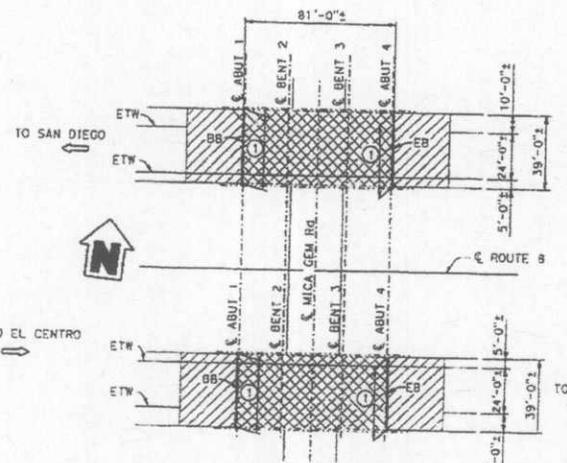
STATE OF CALIFORNIA
 REGISTERED PROFESSIONAL CIVIL ENGINEER
 No. 52324
 CIVIL
 STATE OF CALIFORNIA



QUANTITIES
BRIDGE NO. 57-0542L/R

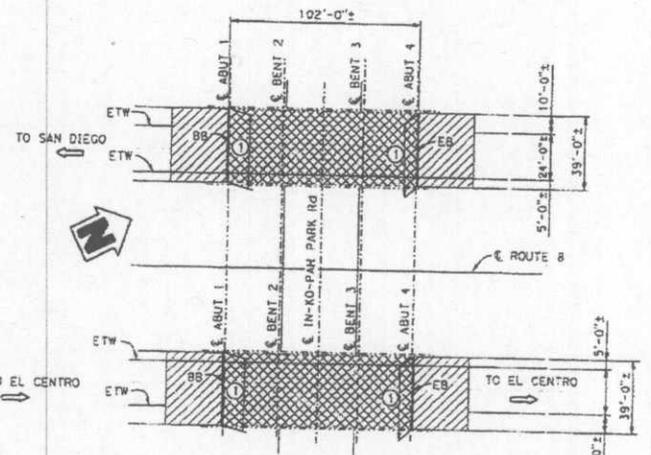
AGGREGATE BASE (APPROACH SLAB)	17	CY
STRUCTURAL CONCRETE, APPROACH SLAB (TYPE R)	173	CY
PAVING NOTCH EXTENSION	116	LF
JOINT SEAL (MR $\frac{1}{2}$ ")	156	LF

NOTE:
THE CONTRACTOR SHALL VERIFY ALL CONTROLLING FIELD DIMENSIONS BEFORE ORDERING OR FABRICATING ANY MATERIAL.



QUANTITIES
BRIDGE NO. 57-0603L/R

RAPID SETTING CONCRETE (PATCH)	32	CF
REMOVE ASPHALT CONCRETE SURFACING	6,318	SOFT
REMOVE UNSOUND CONCRETE	32	CF
PREPARE CONCRETE BRIDGE DECK SURFACE	5,318	SOFT
TREAT BRIDGE DECK	5,318	SOFT
FURNISH BRIDGE DECK TREATMENT MATERIAL	70	GAL
AGGREGATE BASE (APPROACH SLAB)	17	CY
STRUCTURAL CONCRETE, APPROACH SLAB (TYPE R)	173	CY
PAVING NOTCH EXTENSION	116	LF
JOINT SEAL (MR $\frac{1}{2}$ ")	156	LF



QUANTITIES
BRIDGE NO. 57-0543L/R

RAPID SETTING CONCRETE (PATCH)	40	CF
REMOVE ASPHALT CONCRETE SURFACING	7,956	SOFT
REMOVE UNSOUND CONCRETE	40	CF
PREPARE CONCRETE BRIDGE DECK SURFACE	7,996	SOFT
TREAT BRIDGE DECK	7,996	SOFT
FURNISH BRIDGE DECK TREATMENT MATERIAL	88	GAL
AGGREGATE BASE (APPROACH SLAB)	17	CY
STRUCTURAL CONCRETE, APPROACH SLAB (TYPE R)	173	CY
PAVING NOTCH EXTENSION	116	LF
JOINT SEAL (MR $\frac{1}{2}$ ")	156	LF

DESIGN	BY R. Anderson	CHECKED D. Azcon	LOAD & RESISTANCE FACTOR DESIGN	LEVEL LOADINGS: HL93, W ₁₂ , W ₁₆ , W ₂₄ , W ₃₀ , PERMIT DESIGN VEHICLE	STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION	DIVISION OF ENGINEERING SERVICES STRUCTURE DESIGN	BRIDGE NO. 57-0543L/R	APPROACH SLAB/DECK REHABILITATION
DETAILS	BY T. Long	CHECKED D. Azcon	LAYOUT	BY R. Anderson			POST MILE R77.58	GENERAL PLAN No. 4
QUANTITIES	BY R. Anderson	CHECKED D. Azcon	SPECIFICATIONS	BY X			UNIT: 3599 PROJECT NUMBER & PHASE: 1100020392 1	CONTRACT NO.: 11-407001

STRUCTURES DESIGN GENERAL PLAN SHEET (ENGLISH) (REV. 09-01-10)
 SHEET NO. 4 OF 7

Fax - Cover Sheet**GRANITE™**

*440 S. Melrose Drive STE 200
Vista. CA. 92081*

Recipient: John C. McMillian, Deputy Division Chief
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Date: January 23, 2014
Total # of Pages: 5
(including cover)

Sent By: Barbara Jacob for Dave Donnelly
Fax Number: 760-758-1501
Voice Number: 760-732-0911
E-Mail:

**Please see attached letter dated 1/23/14
Original to follow via Fed Ex**