



November 19, 2014

To: Earl Seaberg  
Contract Awards Branch Chief  
Department of Transportation  
Division of Engineering Services  
Office Engineer MS 43  
1727 30th Street  
Sacramento, CA 95816

Re: Bid Protest  
01-4154U4 Hwy 101  
Bid Date: November 5, 2014

Dear Mr. Seaberg,

On Wednesday, November 5, 2014, Ghilotti Construction Company bid the above referenced project. During a review of Mercer-Fraser Company's (Mercer) and Granite Construction Company's (Granite) submitted bid documents subsequent to the bid opening, it was determined that Mercer and Granite failed to properly submit the Subcontractor List form. Accordingly, Ghilotti Construction Company hereby formally protests an award of this contract to either Mercer or Granite. Their bids should be deemed nonresponsive.

The Dept. of Transportation should reject Mercer's bid as nonresponsive because it failed to properly submitted the Subcontractor List form.

On the Subcontractor List submitted with the bid, Mercer listed Apply-A-Line to perform worked described as "STRIPING" and subsequently listed Bid Item 33 "RUMBLE STRIP". Bid Item 33 is not consistent with STRIPING which is part of Section 84 of the standard specifications, but rather Bid Item 33 RUMBLE STRIP is part of Section 39 and 40. (See Attachment A)

As such, the Department must find Mercer's bid nonresponsive.

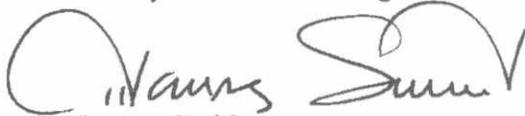
— Engineering Contractor —

The Dept. of Transportation should reject Granites bid as nonresponsive because it failed to properly submitted the Subcontractor List form.

On the Subcontractor List submitted with the bid, Granite listed Apex Fence to perform worked described as "MOBILIZATION" and subsequently listed Bid Item 47 "MOBILIZATION". In its 24 hour submittal, Granite listed Apex to perform 0.00% of Bid Item 47 which effectively "delists" Apex from performing this bid item. Granite has impermissibly revised its subcontractor's scope of work which renders its bid nonresponsive. (See Attachment B)

Based on this information, Ghilotti Construction Company hereby protests an award of this contract to Mercer-Fraser or Granite Construction.

Thank you for considering this matter.



Thomas Smith  
Estimating Manager  
Ghilotti Construction Company, Inc

A

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 01-4154U4 Project ID: 0114000088

Bidder Name: Mercer-Fraser Company

Bidder ID: VC0000003985

SUBCONTRACTOR LIST

DES-OE-0102.2B(REV 5/2014)



Bidding Firm: Mercer-Fraser Company

Under Public Contract Code ♦ 4100 et seq., the Bidder must set forth in the bid the name, the location of the place of business, the California contractor license number, and the portion of work of each subcontractor who will perform work or labor or render service to the prime contractor in or about the construction of the work or improvement, or a subcontractor licensed by the State of California who, under subcontract to the prime contractor, specially fabricates and installs a portion of the work or improvement according to detailed drawings contained in the plans and specifications, in an amount in excess of one-half of 1 percent of the prime contractor's total bid or ten thousand dollars (\$10,000), whichever is greater.

The Bidder must submit within 24 hours of the bid opening the bid item numbers with percentages of the portion of work subcontracted.

a Not required on contracts with Federal-Aid.

List this sub? Yes

1) Business Name APPLY-A-LINE  
Location City ANDERSON State CA  
California Contractor License Number (a) 562762  
Description of Portion of Work

STRIPING

Bid Item Numbers

33 RUMBLE STRIP

Percentage of Bid Item Subcontracted

100

Bid Item Numbers

44

Percentage of Bid Item Subcontracted

100

Bid Item Numbers

45

Percentage of Bid Item Subcontracted

100

Bid Item Numbers

46

Percentage of Bid Item Subcontracted

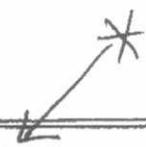
100

Bid Item Numbers

Percentage of Bid Item Subcontracted

B

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
**SUBCONTRACTOR LIST**  
DES-OE-0102.2B (REV 5/2014)



Bidding Firm: GRANITE CONSTRUCTION COMPANY

Under Public Contract Code § 4100 et seq., the Bidder must set forth in the bid the name, the location of the place of business, the California contractor license number, and the portion of work of each subcontractor who will perform work or labor or render service to the prime contractor in or about the construction of the work or improvement, or a subcontractor licensed by the State of California who, under subcontract to the prime contractor, specially fabricates and installs a portion of the work or improvement according to detailed drawings contained in the plans and specifications, in an amount in excess of one-half of 1 percent of the prime contractor's total bid or ten thousand dollars (\$10,000), whichever is greater.

The Bidder must submit within 24 hours of the bid opening, the bid item numbers with percentages of the portion of work subcontracted.

Business Name and Location	California Contractor License Number (a)	Description of Portion of Work	Bid Items Numbers	Percentage of Bid Item Subcontracted
ANRAK CORPORATION SACRAMENTO, CA	256390	COLD PLANE ASPHALT CONCRETE	23	86.84
A.C. DIKE CO. LINCOLN, CA	407417	PLACE HMA DIKE	35	100.00
APEX FENCE CO. ANDERSON, CA	269127	TREATED WOOD WASTE	15	100.00
		REMOVE MBGR	17	100.00
		RECONSTRUCT MBGR	20	100.00
		RECONSTRUCT TERMINAL SYSTEM	21	100.00
		MBGR (WOOD POST)	41	100.00
		VEGETATION CONTROL	42	77.78
		ALT. IN-LINE TERMINAL SYSTEM	43	100.00
		MOBILIZATION	47	0.00
T AND S DVBE INC. SUSANVILLE, CA	983087	FLAGGING	4	28.36
LINEAR OPTIONS DURHAM, CA	704182	TRAFFIC CONTROL	4	5.03
		RUMBLE STRIP	33	27.78
		THERMOPLASTIC TRAFFIC STRIPE	44	100.00
		THERMOPLASTIC PAVEMENT MARKING	45	100.00
		PAVEMENT MARKERS	46	100.00
		MOBILIZATION	47	2.21
APADANA ENGINEERING SAN FRANCISCO, CA	928046	RUBBERIZED HMA TYPE O	36	8.33
		MOBILIZATION	47	1.40



(a) Not required on contracts with Federal-Aid.

B

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 01-4154U4 Project ID: 0114000088

Bidder Name: Granite Construction Company

Bidder ID: VC0000000213

List this sub? Yes

8) Business Name APEX FENCE CO.   
Location City ANDERSON State CA  
California Contractor License Number (a) 269127  
Description of Portion of Work

ALTERNATIVE IN-LINE TERMINAL SYSTEM

Bid Item Numbers

43

Percentage of Bid Item Subcontracted

Bid Item Numbers

Percentage of Bid Item Subcontracted

List this sub? Yes

9) Business Name APEX FENCE  
Location City ANDERSON State CA  
California Contractor License Number (a) 269127  
Description of Portion of Work

MOBILIZATION

Bid Item Numbers

47

Percentage of Bid Item Subcontracted

Bid Item Numbers

Percentage of Bid Item Subcontracted