

BUGLER CONSTRUCTION

4847 Hopyard Road, Suite 4 #395
Pleasanton, CA 94588
(925) 416-0700 FAX (925) 416-7746
E-Mail: buglerconst@comcast.net

August 15, 2016

Via FAX 916/227-6282

✓ Fed Express

Department of Transportation
Division of Engineering Services
Office Engineer
1727 30th Street, MS-43
Sacramento CA 95816-08041

08-16-16A10:29 RCYD

Attention: Jill Sewell

Reference: Caltrans 04-0G6414-Bid Protest

Mrs. Sewell,

Bugler Construction hereby protests the finding, as stated in your letter dated August 12, 2016 that our bid for the above referenced project is unresponsive due to absence of Bidder's Security.

On July 25, 2016 our bid bond for this project was sent via federal express. We were able to verify its delivery at 9:27 on July 27. See attached copy of cover letter dated July 25 and fully executed bid bond dated July 21, 2016

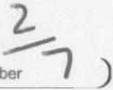
Bugler Construction bid two projects, 06-0N9904 and 04-0G6414, on July 27. The Post Bid files for 06-0N9904 show our bid bond for both 06-0N9904 and the bid bond for 04-0G6414. It seems clear a clerical error by your office was made when the bid bond for 04-0G6414 was assigned to 06-0N9904.

Please keep me posted as to the proper and timely award of 04-0G6414 to the lowest responsive bidder.

Sincerely,


GLENN BUGLER
President

encl: FedEx Tracking 776839002167, Cover Letter dated July 25, Bid Bond 04-0G6414, CT letter dated August 12



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Tracking

Manage

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FedEx Office®

Shelley Bugler

FedEx® Tracking

776839002167

Ship date:

Mon 7/25/2016

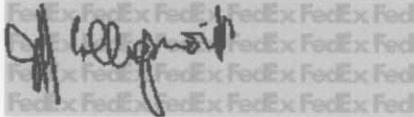
Actual delivery:

Wed 7/27/2016 9:27 am



Delivered

Signed for by: J. COLLINGSWORTH



BUGLER CONSTRUCTION

Glenn Bugler
Suite 4 #395
4847 Hopyard Rd
Pleasanton, CA US 94588
925 416-0700

CALTRANS

Office Engineer, MS 46
1727 30th Street
SACRAMENTO, CA US 95816
925 416-0700

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**required fields*

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Tracking No. or Nickname	Destination	Account no.	Signature image
776839002167	SACRAMENTO, CA	<input type="text"/>	Yes

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Pleasanton, CA 94588
(925) 416-0700 FAX (925) 416-7746
E-Mail: buglerconst@comcast.net

3/7

July 25, 2016

Via Federal Express

MS 46
Office Engineer
1727 30th Street
Sacramento CA 95816-7005

Attention: Office Engineer

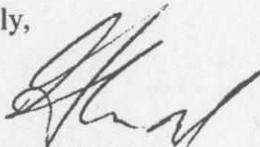
Reference: Bidders Bond for 04-0G6414

Office Engineer,

Attached is our original Bidders Bond for the above referenced project. We are electronically submitting the balance of our bid on July 27, 2016.

If you have any questions or need further information please contact me at the above numbers.

Sincerely,



GLENN BUGLER
President

encl: a/s

THIS & THE NEXT 4 PAGES
WERE PRINTED FROM ET. POST BID
FILE FROM OUR "BID BOOK" OF
06-0N9904
8-15-16

5/7



The Guarantee Company of North America USA
Southfield, Michigan

POWER OF ATTORNEY

KNOW ALL BY THESE PRESENTS: That THE GUARANTEE COMPANY OF NORTH AMERICA USA, a corporation organized and existing under the laws of the State of Michigan, having its principal office in Southfield, Michigan, does hereby constitute and appoint

Robert W. Babcock, Mollie Whalen, Katherine Christine Babcock, James Lawrence Ronhaar, Keli Wheatley, Maxwell Newlin
R. W. Babcock Insurance Brokerage, Inc.

its true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise.

The execution of such instrument(s) in pursuance of these presents, shall be as binding upon THE GUARANTEE COMPANY OF NORTH AMERICA USA as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at the principal office.

The Power of Attorney is executed and may be certified so, and may be revoked, pursuant to and by authority of Article IX, Section 9.03 of the By-Laws adopted by the Board of Directors of THE GUARANTEE COMPANY OF NORTH AMERICA USA at a meeting held on the 31st day of December, 2003. The President, or any Vice President, acting with any Secretary or Assistant Secretary, shall have power and authority:

1. To appoint Attorney(s)-in-fact, and to authorize them to execute on behalf of the Company, and attach the Seal of the Company thereto, bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof; and
2. To revoke, at any time, any such Attorney-in-fact and revoke the authority given, except as provided below
3. In connection with obligations in favor of the Florida Department of Transportation only, it is agreed that the power and authority hereby given to the Attorney-in-Fact includes any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts required by the State of Florida Department of Transportation. It is fully understood that consenting to the State of Florida Department of Transportation making payment of the final estimate to the Contractor and/or its assignee, shall not relieve this surety company of any of its obligations under its bond.
4. In connection with obligations in favor of the Kentucky Department of Highways only, it is agreed that the power and authority hereby given to the Attorney-in-Fact cannot be modified or revoked unless prior written personal notice of such intent has been given to the Commissioner - Department of Highways of the Commonwealth of Kentucky at least thirty (30) days prior to the modification or revocation.

Further, this Power of Attorney is signed and sealed by facsimile pursuant to resolution of the Board of Directors of the Company adopted at a meeting duly called and held on the 6th day of December 2011, of which the following is a true excerpt:

RESOLVED that the signature of any authorized officer and the seal of the Company may be affixed by facsimile to any Power of Attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, contracts of indemnity and other writings obligatory in the nature thereof, and such signature and seal when so used shall have the same force and effect as though manually affixed.



IN WITNESS WHEREOF, THE GUARANTEE COMPANY OF NORTH AMERICA USA has caused this instrument to be signed and its corporate seal to be affixed by its authorized officer, this 23rd day of February, 2012.

THE GUARANTEE COMPANY OF NORTH AMERICA USA

Stephen C. Ruschak

Randall Musselman

STATE OF MICHIGAN
County of Oakland

Stephen C. Ruschak, President & Chief Operating Officer

Randall Musselman, Secretary

On this 23rd day of February, 2012 before me came the individuals who executed the preceding instrument, to me personally known, and being by me duly sworn, said that each is the herein described and authorized officer of The Guarantee Company of North America USA; that the seal affixed to said instrument is the Corporate Seal of said Company; that the Corporate Seal and each signature were duly affixed by order of the Board of Directors of



Cynthia A. Takai
Notary Public, State of Michigan
County of Oakland
My Commission Expires February 27, 2018
Acting in Oakland County

IN WITNESS WHEREOF, I have hereunto set my hand at The Guarantee Company of North America USA offices the day and year above written.

Cynthia A. Takai

I, Randall Musselman, Secretary of THE GUARANTEE COMPANY OF NORTH AMERICA USA, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney executed by THE GUARANTEE COMPANY OF NORTH AMERICA USA, which is still in full force and effect.



IN WITNESS WHEREOF, I have thereunto set my hand and attached the seal of said Company this 21ST day of JULY, 2016

Randall Musselman

Randall Musselman, Secretary

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ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Alameda)

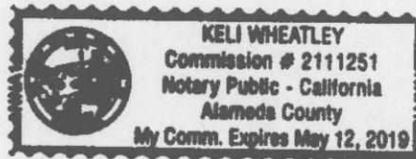
On JULY 21, 2016 before me, KELI WHEATLEY, NOTARY PUBLIC
(insert name and title of the officer)

personally appeared ROBERT W. BABCOCK,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Keli Wheatley* (Seal)



DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER
P.O. BOX 168041, MS-43
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6299
FAX (916) 227-6282
TTY 711
www.dot.ca.gov



Serious drought.
Help save water!

August 12, 2016

Facsimile: (925) 416-7746

Glenn Bugler, President
Bugler Construction
4847 Hopyard Road, Suite 4, No 395
Pleasanton, CA 94588

04-0G6414
04-Son-116-10.4, 10.5
B.O. 07/27/16

Dear Mr. Bugler,

The Department of Transportation (Caltrans) received a bid submitted by Bugler Construction (Bugler) for Contract number 04-0G6414 on July 27, 2016. By this letter, Caltrans notifies Bugler that its bid is nonresponsive since Bugler failed to submit the Bidder Security.

Revised Standard Specification Section 2-1.34 Bidder Security, which states in part:

2-1.34 BIDDER'S SECURITY

Submit one of the following forms of bidder's security equal to at least 10 percent of the bid:

1. Cash
2. Cashier's check
3. Certified check
4. Signed bidder's bond by an admitted surety insurer
5. For an electronic bid, electronic bidder's bond by an admitted surety insurer submitted using an electronic registry service approved by the Department.

Based on the above, Caltrans will proceed to award this contract to the lowest responsible bidder, provided that all requirements have been met.

Your attention is directed to Section 3-1.04 of the 2010 Standard Specifications. Caltrans is not obligated to offer an extension of the award period for a nonresponsive bid. Should you wish to extend your bid while resolving a nonresponsive finding, you must send your request to the Office Engineer no later than 4:00 p.m., two business days prior to the expiration of your bid.

If you have any questions, please contact Mulissa Smith, Contract Awards Branch Chief, at (916) 227-6228.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jill Y. Sewell'.

JILL Y. SEWELL
Office Chief
Office Engineer, Construction Contract Awards
Division of Engineering Services

ORIGIN ID:LVKA (925) 416-0700
GLENN BUGLER
BUGLER CONSTRUCTION
4847 HOPYARD RD
SUITE 4 #395
PLEASANTON, CA 94588
UNITED STATES US

SHIP DATE: 15AUG16
ACTWTGT: 0.50 LB
CAD: 1140527INET3790
BILL SENDER

TO JILL SEWELL

CALTRANS

1727 30TH ST.

MS-43

SACRAMENTO CA 95816

(916) 227-6299

NV
PO

REF

DEPT

544J11137014EB



J162016070501uv

TRK# 7769 9956 9125
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TUE - 16 AUG 3:00P
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