

November 13, 2015

John C. McMillan, Deputy Division Chief  
Department of Transportation  
Division of Engineering Services  
Office Engineer, MS 43  
1727 30<sup>th</sup> Street  
Sacramento, CA 95816  
Phone 916.227.6280  
FAX 916.227.6282

**RE: Contract 04-1A6724; Bids Opened November 5, 2015 – 2<sup>nd</sup> Protest to Certified Coating Company's Bid**

Please accept this letter as Golden State Bridge, Inc.'s (GSB) second protest of Certified Coatings Company's (CCC) bid for Contract Number 04-1A6724. In addition to errors in CCC's bid noted in our letter of November 11, 2015, CCC also failed to comply with the mandatory requirements of the Subcontractor listing law and Caltrans mandatory requirements for Subcontractor listing.

The Department's Subcontractor List form instructs bidders to submit the following information with its bid: (a) the name, (b) the location of the place of business, (c) the CA license number, and (d) the portion of work of each subcontractor who is required to be listed under the Subcontractor Listing Law. Additionally the Department's Subcontractor form requires the bidders to list the bid item numbers with percentages of the portion of work subcontracted.

CCC listed Bortolussi & Watkin as the subcontractor performing most of the landscape work. CCC also listed Bortolussi & Watkin for bid item 49 without the required percentage of the item (Exhibit A) detailed. CCC's bid for item 49 was \$1,300,000.00.

A bid containing a material deviation must be rejected as non-responsive. A deviation in a bid is material if the variation could give the bidder an unfair advantage over other bidders. Here, CCC's violation of the Caltrans bid specifications of not reporting a subcontractor percentage on a bid item worth \$1,300,000.00 in the bid created an advantage to CCC not available to other bidders, and gives CCC the opportunity to shop a significant element of the Project and obtain lower pricing subsequent to the bid opening.

As GSB provided the low, responsible and responsive bid, it should be awarded the Contract.

Thank you for your consideration of this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "David Riccitiello". The signature is fluid and cursive, with a large initial "D" and "R".

David Riccitiello  
*President, Golden State Bridge, Inc.*

**Exhibit A**

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION  
 Contract No.: 04-1A6724 Project ID: 0412000347  
 Bidder Name: Certified Coatings Company Bidder ID: VC0000006186  
 DBS-OE-0102.2C (REV 03/2015)

Bidding Firm: Certified Coatings Company

EXHIBIT A.

List this sub? Yes

10) Business Name Bortolussi & Watkin  
 Location City San Rafael State CA  
 California Contractor License Number 962905  
 Public Works Contractor Registration Number 1000000352  
 Portion of Work Subcontracted:

Item #	Description
35 100	2" plastic pipe
49	Mob (partial)

List this sub? Yes

11) Business Name Highway Specialties  
 Location City Palo Cedro State CA  
 California Contractor License Number 1003147  
 Public Works Contractor Registration Number 1000022123  
 Portion of Work Subcontracted:

Item #	Description
37 100	Install sign panel on exist frame
38 100	Furnish laminated panel sign (1" type A)
39 100	Retroreflective sheeting type X1
4 100	Construction area signs

List this sub? Yes

12) Business Name Appian UDBE SWPPP  
 Location City El Sobrante State CA  
 California Contractor License Number N/A  
 Public Works Contractor Registration Number 1000005242  
 Portion of Work Subcontracted:

Item #	Description
8 15	Prepare wpcp

3701 Mallard Drive  
Benicia, CA 94510  
925-372-8000  
925-372-8001 Fax



# Fax

To: John C. McMillan From: David Riccietello  
 Fax: 916 227 6282 Pages: 5  
 Phone: \_\_\_\_\_ Date: 11-13-15  
 Re: 04-1A6724 cc: \_\_\_\_\_

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• Comments:

Please Find PROTEST # 2 Form  
 04-1A6724 -