

BAY CITIES PAVING & GRADING INC.

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April 16, 2015

SENT VIA FAX

Department of Transportation, MS 43
Attn: John McMillan, Deputy Division Chief
1727 30th Street
Sacramento, CA 95816

Project: 04-1SS524
Bid Opening: 03/26/15
Re: Protest of Granite Construction Company's Bid

Dear Mr. McMillan,

Bay Cities was the second-lowest bidder for the Project. Bay Cities protests the bid of the apparent low bidder, Granite Construction Company ("Granite") because Granite did not comply with Section 2-1.12B(2) of the Contract's Special Provisions. Section 2-1.12B states in part:

"Submit written confirmation from each DBE shown on the form stating that it will be participating in the Contract. Include confirmation with the DBE commitment form. A copy of the DBE's quote will serve as a written confirmation that the DBE will be participating in the contract. If you do not submit the DBE commitment form by the specified time, your bid is nonresponsive."

Caltrans established a goal of 9% DBE Participation. On April 1, 2015, Granite submitted its DBE Commitment Form which showed that it had only achieve 4% DBE Participation. Granite failed to attach any DBE quotes to its DBE commitment form or its Good-Faith Package. Caltrans has consistently held that a bidder's failure to submit confirmations/quotes from DBE companies within 4 business days of the bid opening renders the bid nonresponsive (Contracts 02-3E7904, 08-0R7404, 04-3E2904, 02-4E90U4, 05-0Q5904, etc.). Granite's bid is nonresponsive and should be rejected. Bay Cities requests that Caltrans find that Granite's bid is nonresponsive and award the Contract to Bay Cities.

Sincerely,



Marlo Manqueros
Vice-President

cc: File

facsimile

TRANSMITTAL

to: John McMillan/ Deputy Division Chief, Caltrans
fax #: (916) 227-6282
re: CDOT Contract 04-1SS524
date: April 16, 2015
pages: 2, including cover sheet.

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From the desk of...

Marlo Manqueros
Vice-President
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