



BAY CITIES PAVING & GRADING INC.

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April 20, 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 protested the bid of the apparent low bidder, Granite Construction Company ("Granite") for Granite's failure to comply with Special Provisions Section 2-1.12B. Bay Cities now also protests Granite's bid for failure to comply with the subcontractor listing requirements. Special Provisions Section 2-1.10 states that the Subcontractor List **must** show the "percentage of the portion of each bid item listed." Moreover, per the "Bid Form Submittal Schedule," the percentage of bid items subcontracted must be submitted no later than 24 hours after bid opening. The Special Provisions match the requirement of the Standard Specifications. Standard Specification Section 2-1.33A provides that the percentage of each item subcontracted must be submitted with the bid or faxed within 24 hours of the bid opening and that:

"The Subcontractor List must show the name, address and work portions to be performed by each subcontractor listed. Show portions by bid item number, description, and percentage of each bid item subcontracted." [emphasis added].

Granite listed Harris Rebar for Item No. 41 (Structural Concrete, Approach Slab) and a description of "Rebar" but failed to list the percentage of Item No. 41 that Harris Rebar was to perform. Exhibit A. Granite's bid is nonresponsive because it failed to comply with both the Special Provisions and the Standard Specifications.

In determining the responsiveness of a bid, Caltrans can only review the bid documents the bidder has submitted. Based on Granite's bid, Caltrans cannot determine the percentage of Item 41 which Harris Rebar is to perform. Per Caltrans Electronic Bidding Guide and the Electron Bid Form,

"If the percentage of the bid item work is less than 100% list the description of the portion of the work to be subcontracted."

Granite listed a description for Harris for Item No. 41 which indicates that Harris Rebar will not be performing 100% of the item. So although Caltrans can determine that Harris Rebar will be performing less than 100% of Item No. 41, Caltrans does not know whether the percentage might be 5% or 25% or 50%. For Contract No. 02-0E3604, the low bidder (Randy Hill Construction)

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failed to list the percentage for one of its subcontractors. In determining that Randy Hill's bid was nonresponsive. Caltrans held that Caltrans "was unable to interpret the bid submitted." If Granite had provided Caltrans with copies of Harris Rebar's quote within 24 hours of the bid opening, it is theoretically possible that Caltrans could have interpreted the percentage of Item No. 41 that Harris Rebar would perform. But Granite failed to provide any documents to Caltrans within 24 hours of the bid opening which would enable Caltrans to determine the percentage of Item No. 41 for Harris Rebar. Absent this information, Granite's bid must be rejected as nonresponsive. Bay Cities requests that Caltrans find that Granite's bid is nonresponsive and award the Contract to Bay Cities.

Sincerely,

Marlo Manquoeros
Vice-President

cc: File

Exhibit A

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
Contract No.: 04-188524 Project ID: 0412000543
Bidder Name: Granite Construction Company
DES-OE-0102.2B (REV 5/2014)

Bidder ID: VC0000000213

Bidding Firm: Granite Construction Company

List this sub? Yes

13) Business Name Adanta
Location City Napa State CA
California Contractor License Number 813236
CA Department of Industrial Relations' Registration Number 1000002540
Portion of Work Subcontracted:

Item #	Description
1	100 Asbesto Plan
17	100 Asbesto Plan
21	100 Asbesto Plan

List this sub? Yes

14) Business Name Harris Rebar
Location City Livermore State CA
California Contractor License Number 695035
CA Department of Industrial Relations' Registration Number 1000000423
~~Portion of Work Subcontracted:~~

Item #	Description
41	Rebar

No percentage

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
Contract No.: 04-188524 Project ID: 0412000543
Bidder Name: Granite Construction Company
ADDITIONAL SUBCONTRACTOR LIST 1
DES-OE-0102.2B (REV 5/2014)

Bidder ID: VC0000000213

Bidding Firm: Granite Construction Company

List this sub? Yes

16) Business Name Uretak
Location City TOMBALL State tx
California Contractor License Number 727283

facsimile TRANSMITTAL

to: John McMillan/ Deputy Division Chief, Caltrans
fax #: (916) 227-6282
re: CDOT Contract 04-1SS524
date: April 20, 2015
pages: 4, including cover sheet.

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From the desk of...

Marlo Manqueros
Vice-President
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