

**DEPARTMENT OF TRANSPORTATION**

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER

P.O. BOX 168041, MS-43

SACRAMENTO, CA 95816-8041

PHONE (916) 227-6299

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www.dot.ca.gov

*Serious Drought.  
Help save water!*

January 21, 2015

Facsimile: (925) 687-2122

Marlo Manqueros, Vice-President  
Bay Cities Paving & Grading Inc.  
1450 Civic Court, Building B, Suite #400  
Concord, CA 94524

04-264094  
04-Mrn,Son-101-26.8/27.6, 0.0/2.0  
B.O. 11/03/2015

Dear Mr. Manqueros:

The Department of Transportation (Caltrans) received a letter dated November 24 and December 15, 2015, from Bay Cities Paving & Grading Inc. (Bay Cities) protesting the bid submitted by Ghilotti Bros/RM Harris JV (GB/RMH) on the above referenced contract and in addition, requesting copies of the timed bid submissions prior to 2:00 P.M. for the low three bidders. The protest dated November 24, 2015, alleges that GBH did not follow the bidding instructions for submitting an electronic bid because GBH used hyphens to list multiple/consecutive bid items being performed by the same subcontractor. Bay Cities alleges that this use of hyphens was contrary to a Caltrans issued Addenda providing bidders with instructions for submitting the Subcontractor List form as well as Caltrans responses to bidder inquiries regarding the use of hyphens for listing bid items on the Subcontractor List Form.

Caltrans has carefully reviewed the bid documents submitted by GB/RMH as well as the bidder inquiries and this protest and disagrees that GB/RMH had an unfair competitive advantage due to its use of hyphens in listing bid items associated with particular subcontractors. Although Addendum 4 issued on February 20, 2015, advised the bidders of the additional Subcontractors List forms available in the bidding documents, advised the bidders to provide a description of work for each bid item listed and advised the bidders as to the limitations of the availability of 5 bid items per listing, Caltrans finds that in this particular instance, because the identified subcontractors were listed as performing 100 percent of the bid items listed, the manner in which GB/RMH submitted its bid is acceptable and is not a material deviation as Caltrans is able to determine the percentage of each scope of work that will be performed by the subcontractor. On this basis, Caltrans does not find the bid submitted by GB/RMH nonresponsive for the use of hyphens for sequential bid item numbers inclusive/within in a specific scope of work.

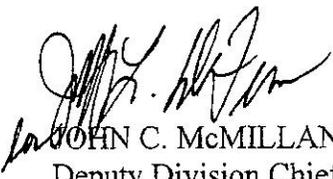
As this protest pertains to copies of the bids for the low three bidders, Caltrans makes those bids available at [http://www.dot.ca.gov/hq/esc/oe/bidsub/post\\_bid.php](http://www.dot.ca.gov/hq/esc/oe/bidsub/post_bid.php), for the purpose of transparency and assuring the public of its integrity with respect to the competitive bidding process.

Mr. Manqueros  
January 21, 2016  
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Based on the above, Caltrans will proceed to award this contract to GB/RMH.

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

Sincerely,



JOHN C. McMILLAN  
Deputy Division Chief  
Office Engineer  
Division of Engineering Services

**\*\* Transmit Conf. Report \*\***

P.1  
CAL/TRANS PLANS COUNTER

Jan 21 2016 02:01pm

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
919256872122	Normal	21:02:00pm	0'23"	2	# 0 K	

STATE OF CALIFORNIA--CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

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