



March 24, 2014

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

RE: Contract 04-3A8704; Bids Opened 3-5-2014

Mr. McMillan,

Golden State Bridge (GSB) submitted the low responsive bid for contract 04-3A8704 on March 5, 2014.

This letter is submitted in response to Ghilotti Bros / RM Harris JV (GH) protest letter of March 21st, 2014.

GSB listed WABO Landscape for the items shown on our 24 hour subcontractor listing. In the description of the items (column 4) GSB attempted to provide an accurate description of the work that WABO would perform, GH listed WABO for a similar scope that GSB did, with only the descriptive term "landscape" in column 4. Surely if GSB were "adding" scope by giving WABO "additional scope" then GH's bid would on its face do exactly the same thing. It is our determination, and that of our listed subcontractor WABO that item 159 work is part of the planting and plant establishment work that they are performing. It has been the rule that column 4 contain an accurate description of the work to be performed. GSB's bid provides an accurate description. Clearly in reviewing the bid submitted by GH, their vague descriptions for all listed subcontractors is not the intent of the phrase "description of subcontracted work" in column 4 of the subcontractor list.

Next, GSB did not add or remove items from PC&N's scope. GSB listed PC&N for work exactly as PC&N quoted the job. Our letter of 3-7-2014 was sent in explanation of why Item's 119 and 120 were inadvertently descriptively written in column 4 for PC&N. As stated in our letter of 3-7-2014 to the Department of Transportation, this "issue" in no way affected our bid or gave GSB any unfair advantage. For Item 128, GSB described "Alt. Terminal System" to include both Alternative Flared (Item 128) and Alternative In-Line Terminal System (Item 127).

BloMaAs was not listed on the Subcontractor List, as they are performing only inspection, testing and reporting. BioMaAs is a consultant, and as such will be working under a Purchase Order and not a subcontract. BloMaAs does not submit certified payrolls as their on-site staff does not perform covered work per the definition of a subcontractor. BioMaAs does not hold a California contractor's license, and as such cannot legally subcontract work per the definition of a subcontractor as described in the Public Contract Code. BloMaAS has worked with GSB on similar projects -- they are a consultant, and clearly state that they are consultants to contractors and agencies (public and private) on their website.

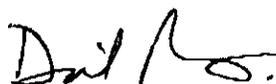
In bidding work for the department, GSB has in good faith with both Caltrans and our subcontractors made every effort to identify and adequately describe the work that we intend to subcontract. The protest letter submitted by GH is without merit or validity on any of the fabricated issues as it attempts to cause the Department to find GSB's bid non-responsive.

The protest is not only frivolous and ridiculous on its face, one would only have to review GH's bid to identify the errors, mistakes and obvious listing law and Department requirements that were violated causing GH's bid to certainly be non-responsive:

- 1) GH, in its original subcontractor list listed "Boston Enterprise" to perform "Core & pressure partial and Drill and bond partial". Boston Enterprise was replaced by Austin Enterprise in GH's 24 hour submission, and the description in column 4 was revised.
- 2) GH did not list a location of ANY of its subcontractors as clearly required on the subcontracting request form.
- 3) GH listed Malcolm Drilling, Vortex Marine, and Foundation Constructors all for the same or portions of the same work. Caltrans has already sent GH a letter on this issue.
- 4) GH listed Bragg Crane for "Special Steel" in both their original and 24 hour subcontractor list - this is an incorrect description for the item that GH listed Bragg for. Special Steel is not a bid item on this project.
- 5) GH's descriptions of work "Erosion Control" and "Landscape" for Selby's and WABO respectively are very vague. Surely GH's protest of GSB's descriptions, if upheld by the Department would also cause GH's bid to be found non-responsive as well as the description is too vague to accurately determine what scope of work each is to perform. Further, GH listed "Wab landscape"; not WABO landscape - they again revised their 24 hour subcontract list (and since they do not list a location for any of their subcontractors it would be impossible to tell if they are substituting subcontractors in their 24 hour list vs. their original list).
- 6) GH revised the description from its initial bid to the 24 hour subcontractor list for ACL
- 7) GH listed "Blomaas" for "SWPPP", and in GH's 24 hour submission listed items 17,18,19,21, and 22, none of which have anything to do with the description "SWPPP".
- 8) GH revised the subcontractor from "Baker Corp" to "Baker tanks" in GH's 24 hour subcontractor list. There is no company we know of that is "Baker Tanks". Further the description "active treatment system" does not accurately depict the work to be performed under bid item 146.

GSB requests that the Department of Transportation find no merit to GH's frivolous claims made in GH's protest letter of 3-21-14 and award the contract to Golden State Bridge, Inc. the lowest responsive bidder on the project.

Respectfully,



David Riccitiello
President, Golden State Bridge, Inc.

2990 Bay Vista Court
Benicia, CA 94510
925-372-8000
925-372-8001 Fax



Fax

Melissa Smith
 To: JOHN C. McMillan From: DAVID Riccietello
 Fax: 916 227 6282 Pages: 3
 Phone: Date: 3/24/2014
 Re: 04-3A 8704 CC:

Urgent For Review Please Comment Please Reply Please Recycle

• Comments:

Please find attached letter in
 response to Ghilotti / Harris J.V
 Protest,
 Thank you