



Gordon N. Ball Inc.

General Engineering Contractors

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333 Camille Avenue

Alamo, CA 94507

MSC 43

February 6, 2013

Office Engineer
California Department of Transportation
1727 30th Street
Sacramento, Ca 95816-7005

Attn: Earl Seaberg, Chief, Office of Contract Awards & Services
John McMillan, Deputy Division Chief

Reference: State Highway in Santa Cruz County in and near Scotts Valley at
Various Locations from Santa's Village Road to the Santa Clara
County Line
Caltrans Contract No. 05-0L7014

Subject: Response to Graniterock/Pavex Letter of January 30, 2013

Dear Mr. Seaberg and Mr. McMillan:

We are writing to respond to a January 30, 2013, letter from Graniterock/Pavex that purports to be a protest of the award of Contract No. 05-0L7014 to our company. The bid we submitted, which is \$198,946 lower than the one from Graniterock/Pavex, complied with Caltrans bid requirements as well as subcontractor listing laws. With our bid, we submitted a completed subcontractor list, satisfying the requirements of Section 4104 of the Public Contract Code and Standard Specification 2-1.054. Our subcontractor list included the name and address and work portions to be performed by each subcontractor listed. We did not derive a competitive advantage from the way in which our subcontractor lists were filled out. Graniterock/Pavex's objections are not a sound basis for rejecting the lowest responsive bid.

With regard to bid item no. 25, temporary crash cushion module, we did not originally include a subcontractor in our list submitted with our bid because the value of this work was only \$2,450, which is less than 1/2 of 1% of our bid amount of \$8,093,145. The threshold for listing subcontractors, based on our bid price, is \$40,465. We are, in fact, subcontracting this work to Statewide, so in our subsequent 24 hour submittal we listed them, even though we had no obligation to do so. There is no inconsistency between our bid and the 24 hour submittal for bid item no. 25.

With regard to Avar, we viewed their scope as the soil nail package, and we accurately listed them as performing the soil nail package. The soil nail package is inextricably intertwined with and necessarily includes shotcrete work. You cannot do one separately from the other. The work is performed on a steep slope in only one specific area of the project, with work crews who hang over the side of a cliff to do the work; essentially, the work is one integrated operation. This can be seen by the fact the only subcontractors who bid to perform the shotcrete aspects of the soil nailing package were specialty soil anchoring subcontractors, Avar and Drill Tech, who bid the total work involved as a package. In our 24 hour post-bid submittal, we listed Avar as performing 100% of bid items 80 and 94, the items comprised by the soil nail package, clarifying what we meant by soil nail work. There is no inconsistency between bid and the post-bid submittal, but even if there were, it would be impossible for us to have obtained any kind of competitive advantage under the circumstances. We did not and could not shop for bids for any work scope, and we did not deprive a listed subcontractor of any work for which it was listed. Moreover, if Caltrans were to find that Avar is not permitted to perform the shotcrete work, then under Section 4106 of the Public Contract Code, we would perform the work ourselves.

Finally, we correctly listed Giron as performing a portion of the excavation bid items, and in our post bid submittal, we simply provided greater detail about what Giron will be doing. Contrary to Graniterock/Pavex's arguments, excavation expressly includes necessary saw cutting. Section 10-1.34 of the project specifications, "Earthwork", expressly states:

Where a portion of the existing surfacing is to be removed, the outline of the area to be removed shall be cut on a neat line with a power-driven saw to a minimum depth of 0.17-foot before removing the surfacing. Full compensation for cutting the existing surfacing shall be considered as included in the contract price paid per cubic yard for roadway excavation, and structural concrete, barrier slab and no additional compensation will be allowed therefor.

Bid item nos. 48 and 56 both involve excavation in locations where existing surfacing must be removed, and hence will require saw cutting. We hence listed Giron to do the necessary saw cutting.

Ironically, the subcontractor lists that Graniterock/Pavex submitted are themselves inaccurate and incomplete. Under Section 4104 of the Public Contract Code, and Standard Specification 2-1.33C, general contractors are required to describe the portion of the work that will be performed by each listed subcontractor. Case law holds that providing a percentage, which is what Graniterock/Pavex did, is not sufficient:

If the Legislature intended "portion" to mean percentage, it could have simply used the term "percentage" instead. By using the different term "portion," the reasonable inference is the Legislature intended a different meaning than percentage ... The intent is to prevent a prime contractor from using a subcontractor's bid to prepare its bid, and then shopping that bid to get a lower price.

(Acret, Cal. Construction Contracts and Disputes (Cont.Ed.Bar 1990) § 4.8, p. 239.) That is accomplished by stating the portion of work the subcontractor is to perform and the type of work. If a certain subcontractor is listed, for example, as performing the masonry work, the public entity can determine that particular subcontractor is performing the masonry work, not another subcontractor that was pressured to perform at a lower cost.

Valley Crest Landscape, Inc. v. City Council, 41 Cal. App. 4th 1432, 1439 (1996).

Granite Rock/Pavex in its subcontractor list and post bid submittals has only provided references to bid item numbers and has not described what work the subcontractor will be doing. This is particularly problematic where bid items encompass a large number of different types of work, and a subcontractor is listed as performing only a portion or percentage of the work. Thus, Graniterock/Pavex has violated Section 4104 of the Public Contract Code, and by doing so, it has gained a distinct competitive advantage as it can decide after the fact what tasks to give subcontractors to do, allowing it to negotiate more competitive prices. See id.

To pursue a protest, a party must in fact have a right to be awarded the contract. When its own bid is defective, a contractor lacks the direct financial interest that is a prerequisite to being able to pursue a protest. Accordingly, Graniterock/Pavex's protest must be denied because Graniterock/Pavex's own bid violates Section 4104 of the Public Contract Code and Standard Specification 2-1.054.¹ Graniterock/Pavex lacks standing.

Finally, Graniterock/Pavex's protest is completely at odds with the position it took in its recent correspondence to you, when it wrote:

We are writing to request that Caltrans put an end to the practice of granting bid protests for minor issues and return the system to its smoothly functioning past ...

As California appellate courts have determined, "[t]he test for measuring whether a deviation in a bid is sufficiently material to destroy its competitive character is whether the variation affects the amount of the bid by giving the bidder an advantage or benefit not enjoyed by the other bidders." [*Ghilotti Construction Co. v. City of Richmond*, 45 Cal.App.4th 897, at 905] The courts have also supplied the context for such decisions. In *MCM Construction v. City & County of San Francisco*, the court stated "[t]hese considerations must be evaluated from a practical rather than a hypothetical standpoint, with reference to the factual circumstances of the case. They must also be viewed in light of the public interest, rather than the private interest of a disappointed bidder. It certainly would amount to a disservice to the public if a losing bidder were to be permitted to comb through the bid proposal or

¹ Please consider this letter to be a protest of Graniterock/Pavex's bid based on its failure to identify properly the portion of work to be done by the subcontractors it has listed.

license application of the low bidder after the fact, [and] cancel the low bid on minor technicalities, with the hope of securing acceptance of his, a higher bid. Such construction would be adverse to the best interests of the public and contrary to public policy.

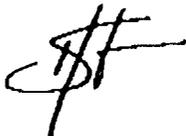
(Oct. 15, 2012 Letter from Graniterock/Pavex to John McMillan.)

Based on the legal authorities Graniterock/Pavex has relied upon and has cited to Caltrans to argue that its own bids should be accepted, Graniterock/Pavex's protest should be denied.

Gordon N. Ball, Inc.'s bid for this project will result in savings to the taxpayers of \$198,946 over the bid of Graniterock/Pavex. Our company has significant experience in performing the difficult work that the project requires. We therefore respectfully request that Graniterock/Pavex's protest be overruled and that the contract for the project be awarded to our company, the lowest responsive bidder. Please call or write if you need any further information.

Sincerely,

GORDON N. BALL, INC.



Hal Stober
President

Enclosure

Received

Oct 15 2012 03:00pm

2012-Oct-15 02:40 PM Graniterock Pavex Construction 408-365-8349

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Graniterock.

GENERAL ENGINEERING CONTRACTOR - LICENSE # 22
PAVEX CONSTRUCTION DIVISION

October 15, 2012

Via Email, Facsimile and First Class Mail

John McMillan
Deputy Division Chief
Division of Engineering
Office Engineer, MD 43
1727 30th Street
P.O. Box 168041
Sacramento Ca, 95816-8041
Facsimile: (916) 227-6282

Re: Bid Protests on Recent Contracts 04-4G1004 and 04-153204

Dear Mr. McMillan:

We are writing to request that Caltrans put an end to the practice of granting bid protests for minor issues and return the system to its smoothly functioning past. We will address specific arguments made in the bid protests below, but we want to emphasize the real-world implications of Caltrans' approach to these types of minor bid irregularities.

For many years, the Caltrans bidding system worked efficiently. Contractors submitted bids, were provided relief when bid errors were made, and second bidders filed bid protest when significant problems were spotted in the low bidder's documents. It was rare for a bid to be rejected, because most of the time low bids withstood careful scrutiny and did not have significant errors in them. When second bidders filed bid protests over issues deemed insignificant, Caltrans exercised their rights to overlook any "minor bid irregularities," and the protests were denied. This created a situation where second bidders usually did not bother to file protests for minor issues because they knew it was not worth their time. The result was a system where few protests were filed, and those that were filed usually addressed issues with merit.



Unfortunately some months ago, Caltrans modified their response to bid protests, and began rejecting low bids for relatively minor issues such as exactly which words were used on the subcontractor listing forms. The result has been an avalanche of

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Phone 650 615 0306
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Oakland Office
7700 Edgewater Drive, Bldg. B, Suite 200B
Oakland, CA 94621
Phone 510 729 5073
Fax 510 729 5079

Monterey Bay Region
P.O. Box 50001, Watsonville, CA 95077
411 Walker Street, Watsonville, CA 95076
Phone 831 768 2700
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protests, as you must clearly know. Contractors who had been executing bid documents in the same manner for years suddenly found themselves losing projects where they were the apparent low bidder because of minor issues surrounding the subcontractor bid forms. This in turn encouraged the second bidder to file more protests in the hope of overturning the bid results.

Of course Caltrans is rightly concerned about maintaining uniformity in the handling of bid documents. Once a protest was granted over a small issue, they must have felt compelled to grant the bid protest on subsequent projects if similar issues were involved. Unfortunately this has led to a situation where the bid order is frequently changed, which creates significant problems for contractors. Additionally the Office Engineer is swamped with protests and probably has difficulty addressing all the issues. And every time a low bid is rejected for a minor issue, the project is awarded to a higher bidder and the taxpayers of California are not well served.

As long as filing a bid protest over minor issues is successful, there will be a strong incentive for second bidders to protest the low bidder's documents. The only way to return the system to a normal smooth function is for Caltrans to exercise their rights and deny these protests and send a clear signal to the industry that low bids will not be rejected over "minor irregularities."

Let's now turn to the specific arguments made in the protests against Graniterock's low bids. Graniterock disputes that there is an irregularity in its bid documents. Even if Caltrans finds that there is, the applicable California statutes and case law make it clear that Caltrans has the discretion to "deal with [such irregularities] in a sensible, practical way," that promotes "the best interests of the public."

The challenged "Subcontractor List" bid forms are, in fact, consistent; there is no "irregularity" in Graniterock's low bids. RGW Construction protested Graniterock's low bid on Contract No. 04-4G1004. Bay Cities Paving & Grading protested Graniterock's low bid on Contract No. 04-153204. Their protest arguments are identical. Each protest is based solely on an interpretation of the term "Construction Area Signs."

With each bid, Graniterock submitted a "Subcontractor List" (Caltrans form DES-OE-0102.2 (REV 3/2011)) at bid time. On each Subcontractor List submitted at bid time, Graniterock included, in Column 1 of the form, a subcontractor that would perform construction area signs work, and Graniterock included, in the corresponding Column 4 of the form, the description "Construction Area Signs."

Consistent with Public Contract Code section 4104(a)(2) and the project specifications, Graniterock submitted a second Subcontractor List within 24 hours after bid time. On each such "24-hour" Subcontractor List, Graniterock again included, in Column 1 of the form, the same subcontractor that would perform construction area signs work, and again Graniterock included, in the corresponding Column 4 of the form, the description "Construction Area Signs." Also, on each

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such "24-hour" Subcontractor List, in the corresponding Column 2 of the form, a series of bid item numbers relating to sign work in the construction area.

RGW and Bay Cities assert that work with the bid item titles "remove roadside sign," "relocate roadside sign," "furnish single sheet aluminum sign," "roadside sign - one post," and "install sign" are not accurately covered by the descriptive term "Construction Area Signs." This assertion defies common sense.

Graniterock's Subcontractor List bid forms were consistent. There is no irregularity in Graniterock's bids. Graniterock did not change subcontractors on its forms. Graniterock did not change the description of subcontracted work on its forms. The descriptive term Construction Area Signs is consistent with each of the specific bid item numbers listed in on Graniterock's "24-hour" Subcontractor Lists.

There is no requirement that bidder must, in Column 4 of the Caltrans Subcontractor List form, list the specific titles of the items of work the corresponding subcontractor will perform. Column 4 of the Caltrans Subcontractor List form calls for a "Description of Subcontracted Work." According to RGW and Bay Cities, a bid is non-responsive unless the description of work entered in Column 4 matches the specific titles of the bid item numbers in Column 2. This argument is inconsistent with years of Caltrans bidding practice. It is notable that RGW and Bay Cities cite no law, no project specification, and no specific bid form instruction for this proposition.

In the absence of a law, specification or bid form instruction indicating otherwise, a bidder that includes in Column 4 a reasonable description of a type of work to be performed, such as "Construction Area Signs," should not be penalized. If RGW and Bay Cities believe that Column 4 should include specific titles of line items of work, they should petition Caltrans to change the title of Column 4 from the general "Description of Subcontracted Work" to "Titles of Bid Item Nos. Listed in Column 2."

The frivolousness of this protest argument is apparent upon a quick scan of RGW's own bid forms. RGW lists various subcontractors that will perform (per Column 4) various scopes of work such as Metal Beam Guard Rail, or Striping. In most cases they end their description with the words "and related." Their argument is that the Pavex bid is nonresponsive and should be rejected because we failed to use the words "and related," while RGW's bid is acceptable because they did use these two words. In both bids, the contractors listed subcontractors and intended to use them to perform the scopes of work listed.

Graniterock's bid forms do not violate the Subletting and Subcontracting Fair Practices Act. As set forth in Public Contract Code section 4101, the purpose of the Subletting and Subcontracting Fair Practices Act (the "Act") is to prohibit the practices of "bid shopping and bid peddling." It is telling that RGW and Bay Cities do not cite any specific section of the Act or any other public contracting statute, which

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Graniterock has purportedly violated. Instead they make the unsupported assertion that Graniterock "clearly" has violated "applicable laws."

Graniterock complied with section 4104(a)(1) (name and location of subcontractors at bid time), and section 4104(a)(2) (other subcontractor information within 24 hours). Graniterock submitted the portion of the work to be performed by each subcontractor, in accordance with section 4104(b). There is no claim that Graniterock has violated section 4105 (circumvention of the section 4104 requirements "by the device of listing another contractor who will in turn sublet portions constituting the majority of the work covered by the prime contract"). Nor has there been any claim that Graniterock violated section 4104 or 4106 by failing to list a subcontractor that will perform more than one half of one percent of the contract work.

Most importantly, Graniterock's bids and bid practices were entirely consistent with the purposes of the Act. Graniterock did not change subcontractors, did not engage in any bid shopping, did not encourage or solicit any bid peddling, and there is no allegation in the bid protest letters to the contrary. Graniterock's bid forms pose no harm to any subcontractor or the public.

As California appellate courts have determined, "[t]he test for measuring whether a deviation in a bid is sufficiently material to destroy its competitive character is whether the variation affects the amount of the bid by giving the bidder an advantage or benefit not enjoyed by the other bidders." (*Ghillotti Construction Co. v. City of Richmond*, 45 Cal.App.4th 897, at 905)

The courts have also supplied the context for such decisions. In *MCM Construction v. City & County of San Francisco*, the court stated "[t]hese considerations must be evaluated from a practical rather than a hypothetical standpoint, with reference to the factual circumstances of the case. They must also be viewed in light of the public interest, rather than the private interest of a disappointed bidder. It certainly would amount to a disservice to the public if a losing bidder were to be permitted to comb through the bid proposal or license application of the low bidder after the fact, [and] cancel the low bid on minor technicalities, with the hope of securing acceptance of his, a higher bid. Such construction would be adverse to the best interests of the public and contrary to public policy."

Similarly, the *Ghillotti Construction* court emphasized the importance of giving public agencies the discretion to make practical judgments, in the public interest. "The provisions of statutes, charters and ordinances requiring competitive bidding in the letting of municipal contracts are for the purpose of inviting competition, to guard against favoritism, improvidence, extravagance, fraud and corruption, and to secure the best work or supplies at the lowest price practicable, and they are enacted for the benefit of property holders and taxpayers, and not for the benefit or enrichment of bidders, and should be so construed and administered as to accomplish such purpose fairly and reasonably with sole reference to the public interest. These provisions are strictly construed by the courts, and will not be

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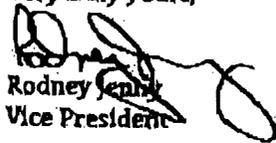
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extended beyond their reasonable purpose. Competitive bidding provisions must be read in the light of the reason for their enactment, or they will be applied where they were not intended to operate and thus deny municipalities authority to deal with problems in a sensible, practical way." [Ghilloni Construction Co., 45 Cal.App.4th 897, at 909]

Graniterock's bid forms do not give it any unfair competitive advantage over any other bidder. Graniterock did not obtain a "second bite at the apple" because of the way it completed Column 2 and Column 4. Graniterock could not have withdrawn its bid on this basis. Therefore Graniterock did not have the benefit of a "last look" at all bids, accompanied by permission to back out.

Finally, let's be clear. What RGW and Bay Cities are really contending is that there's an important difference between the words "construction area signs" and a series of specific bid items involving sign work in the construction area, and, on the basis of that difference, Caltrans should reject two low bids from a responsible bidder. RGW and Bay Cities are asking the California taxpayers to pay approximately \$1,000,000 more for these projects because Pavex did not use the words "and related" at the end of a description. They do not cite any statute or case law that compels the result they seek, they do not describe any harm to any subcontractor, they do not point to any unfair competitive advantage Graniterock has gained, and they ignore the harm to the taxpayers that will result. RGW and Bay Cities' attempt to elevate form over substance would not hold up in a court of law, and it would not withstand scrutiny in the court of public opinion. Graniterock asks Caltrans to exercise its discretion in the public interest and in the interest of returning to a smoothly functioning bidding system, and reject the bid protests of RGW and Bay Cities.

Very truly yours,


Rodney Jeph
Vice President

STATE OF CALIFORNIA -- BUSINESS TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN, Jr. Governor

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 30th STREET
P. O. BOX 168041
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6280
FAX (916) 227-6282
TTY 711



*Flax your power!
Be energy efficient!*

November 2, 2012

Facsimile: (831) 768-4021

Rodney Jenny, Vice President
Pavex Construction Division
120 Granite Rock Way
San Jose, CA 95136

04-4G1004
04-A1a-680-M3.6/R6.5
B.O. 9/28/12

Dear Mr. Jenny:

Pavex Construction Division (Pavex Construction) submitted a bid for contract 04-4G1004 on September 28, 2012. By this letter, the Department of Transportation (Caltrans) notifies Pavex Construction that its bid is nonresponsive because it failed to properly submit the Subcontractor List.

The Subcontractor List form states in part,..."Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916) 227-6282 within 24 hours after the bid opening. Failure to provide complete information in columns 1 through 4 within the time specified will result in a nonresponsive bid." No other revisions to the form are permitted.

Since Farwest was originally subcontracted to perform Construction Area Signs, but roadway signs were added to the revised bid list received on October 1, 2012, Caltrans finds your bid is nonresponsive. Caltrans will proceed to award the contract to the lowest responsible bidder provided all requirements are met.

Your attention is directed to Section 3-1.02 of the Amendments to the 2006 Standard Specifications. Caltrans is not obligated to offer an extension of the award period for a nonresponsive bid. Should you wish to offer to extend your bid while resolving a nonresponsive finding you must send your request to the Office Engineer no later than 4:00 pm two business days prior to the expiration of your bid.

If you have any questions, please contact David Neumann, Contract Awards Senior, at (916) 227-6285.

Sincerely,


JOHN C. McMILLAN

Deputy Division Chief
Office Engineer
Division of Engineering Services

Attachment

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
DES-0E-01022 (REV 3/2011)

AS

Bidder Name: Granite Rock Company dba Pavex Construction Division

The bidder must identify each subcontractor performing work in an amount in excess of 1/2 of 1 percent of the total bid or \$10,000, whichever is greater (Pub Cont Code § 4100 et seq.). Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916) 227-8282 within 24 hours after the bid opening. Failure to provide complete information in columns 1 through 4 within the time specified will result in a nonresponsive bid.

Column 1: Business Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
Farwest Lodi			CAS
CHRISP Co. Fremont			striping
Flat Iron Electric Group Brown & Fessler Livermore			electrical
Golden Bay Fence Pt Piso Fence Citrus Heights			fence
PC&N Byron, CA			MBGR
Avar Fremont			ground anchor wall
KCI Environmental San Luis Obispo			erosion control

ADA Notice: For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 954-8470 or TDD (916) 954-3880 or visit Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

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STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
 DES-01-0102.2 (REV 7/2010)
 Fike-Morris-Gravitt Road Construction
 Pavement Construction Division

The bidder must identify each subcontractor performing work to an amount in excess of 1/2 of 1 percent of the total bid or \$10,000, whichever is greater (Pub Cost Code 4100 or 4101). Complete columns 1 and 4 and submit with the bid.
 Complete columns 2 and 3 and submit with the bid or fax to (916) 227-6282 within 24 hours after the bid opening. Failure to provide complete information in columns 1 through 4 within the time specified will result in a non-responsive bid.

Column 1: Business Name and Location	Column 2: Bid Item No(s)	Column 3: Percent of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
Whitlock Safety, Inc 226 N. Main Street Lodi, CA 95240 209-335-8085	17, 21, 34, 36 72-74, 84	100% 100%	Construction Area Signs
City Company 42850 Oregon Road Fremont, CA 94538 510-656-2640	19, 20, 22, 26 91-93, 44, 95-99 114	100% 100% 1.5%	Striping
Brown K. Fisher 2070 Research Dr. Livermore, CA 94550 925-840-9150	100-115	100%	Electrical
Pear Fence P.O. Box 7113 Chico Heights, CA 95621 916-726-1173	83	100%	Fence
PCA# 5301 Byron Hot Springs Road Byron, CA 94534 925-634-4567	20, 65-87, 89 80, 81	100% 100%	BASE
AVAR 47375 Fremont Blvd. Fremont, CA 94538 510-354-2000	62 70 114	67% 69% 1.4%	Ground Anchor Wall
KCI Environmental P.O. Box 3307 San Luis Obispo, CA 93403 805-543-3311	10, 51-54	100%	Erosion Control

CT-09-461004

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
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FAX (916) 227-6282
TTY 711



*Flex your power!
Be energy efficient!*

November 2, 2012

Facsimile: (408) 365-9548

Rodncy Jenny, Vice President
Pavex Construction Division
120 Granite Rock Way
San Jose, CA 95136

04-153204
04-Ala,SCI-680-0.0/0.1,
0.1/9.9
B.O. 10/2/12

Dear Mr. Jenny:

Pavex Construction Division (Pavex Construction) submitted a bid for contract 04-153204 on October 2, 2012. By this letter, the Department of Transportation (Caltrans) notifies Pavex Construction that its bid is nonresponsive because it failed to properly submit the Subcontractor List.

The Subcontractor List form states in part,..."Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916) 227-6282 within 24 hours after the bid opening. Failure to provide complete information in columns 1 through 4 within the time specified will result in a nonresponsive bid." No other revisions to the form are permitted.

Since Statewide Traffic Safety Signs was originally subcontracted to perform Construction Area Signs, but roadway signs were added to the revised bid list received on October 3, 2012, Caltrans finds your bid is nonresponsive. Caltrans will proceed to award the contract to the lowest responsible bidder provided all requirements are met.

Your attention is directed to Section 3-1.02 of the Amendments to the 2006 Standard Specifications. Caltrans is not obligated to offer an extension of the award period for a nonresponsive bid. Should you wish to offer to extend your bid while resolving a nonresponsive finding you must send your request to the Office Engineer no later than 4:00 pm two business days prior to the expiration of your bid.

If you have any questions, please contact David Neumann, Contract Awards Senior, at (916) 227-6285.

Sincerely,

John C. McMILLAN
JOHN C. McMILLAN

Deputy Division Chief
Office Engineer
Division of Engineering Services

Attachment