

**Emmett's Excavation, Inc.**

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April 2, 2014

John C. McMillan
Deputy Division Chief
Office Engineer
Division of Engineering Services
State of California Department of Transportation (Caltrans)
1727 30th Street, Bidder Exchange, MS 43
Sacramento, CA 95816-8041

Subject: Contract 06-0P1704
Bid Opened: March 26, 2014
Bid Protest of Chester Bross Construction Company

Dear Mr. McMillan,
Emmett's Excavation, Inc., hereby protests the award of the above referenced project to Chester Bross Construction Company ("CBCC") due to errors in their bid documents. After review of CBCC's "Bid Book", discovery noted two errors:

The first error, CBCC failed to submit the proper "Subcontractor List" as stated in the Electronic Bidding Guide. According to the direction stated on Sheet 12 of the Electronic Bidding Guide, Subcontractor List folder, "Percentages of bid items subcontracted and bid item numbers may be submitted with bid, or completed, printed and submitted as specified in the bid documents". The "Subcontractor List" submitted by CBCC is not on the electronic form printed from the website, in fact, the form submitted by CBCC isn't found anywhere in the bid documents. CBCC submitted form DES-OE-0102.2 (REV 3/2011) which isn't part of the bid documents for this project. Please reference the specifications for Contract 06-0P1704, sheet 13, which states "Forms to be submitted at the time of bid must be submitted as described in the *Electronic Bidding Guide* or faxed to (916) 227-6282 before the bid opening date and time". The last sentence of said sheet states "Failure to submit the forms and information as specified results in a nonresponsive bid".

Secondly, CCBC's Bid Item No. 26, Tack Coat, for the above referenced project, was bid at a unit price of \$1.00. The average unit price for Bid Item No. 26 from the 2nd and 3rd bidders is \$2,750.00. CCBC submitted an unbalanced unit price of 275,000% less than the average unit price of the 2nd and 3rd bidders. CCBC clearly mathematically unbalanced bid item No. 26 to their advantage for profit with detriment to the State and submitted an unbalanced bid.

These errors constitute CCBC's bid to be non-responsible. CCBC's bid needs to be rejected and award made to the next lowest responsive and responsible bidder.

Thank you.

David Walsh
General Manager