



April 5, 2016

Department Of Transportation
Division Of Engineering Services
Office Engineer
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Sacramento, CA 95816-8041
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RF: Bid Protest For 06-0S6004 (Bid Date 3/30/16)

Gentlemen:

ETIC Engineering (ETIC) formally protests the bid results of the referenced bid, on the grounds that Beador Construction Company, Inc. (Beador) submitted an unresponsive bid.

Beador's bid item total price for Item No. 18 was \$31,191.65, with a total bid amount of \$508,300. Therefore, the percentage of the total work value represented by Bid Item No. 18 is approximately 6.1% (if the SB preference comparison value is utilized as a bid total, the percentage is approximately 6.5%). Beador did not list a subcontractor for this particular scope of work as required, due to the work scope value exceeding one half of one percent of the total bid value. This particular work scope is highly specialized due to the requirements made, concerning this work scope, in Addendum 1, and all bidders with the exception of Beador have listed specialty pavement grinding/milling subcontractors.

In addition to the above, ETIC asserts that Beador has submitted an unbalanced bid, also with regard to Bid Item No. 18. The Federal Highway Administration (FHWA) defines a materially unbalanced bid as a bid which generates a reasonable doubt that award to the bidder submitting a mathematically unbalanced bid will result in the lowest cost. In addition, the FHWA further defines a mathematically unbalanced bid as a bid containing lump sum or unit bid items which do not reflect reasonable actual costs plus a reasonable proportionate share of the bidder's anticipated profit, overhead costs, and other indirect costs (23 CFR 635.102). Reviewing Beador's unit price of \$0.35/sf against not only the other bidders unit prices, but reviewing Beador's unit price against the Caltrans Cost Data Index (for 2015 contracts with bid item ID of 153237), it would certainly appear that Beador's bid unit cost does not reflect reasonable actual costs plus a reasonable proportionate share of the anticipated profit, overhead costs, and other indirect costs.

ETIC appreciates the State's consideration of this protest and requests that the State find Beador's bid unresponsive and award the contract to the next lowest and responsive bidder.

Best Regards,

A handwritten signature in black ink, appearing to read "Chris Ellis".

Chris Ellis, PE
Construction Program Manager
ETIC Engineering

**Fax**

To:	19162276282	From:	Courtney Aubert
Fax:	19162276282	Date:	04-05-2016 2:20 PM
		Pages:	2

Re: Bid Protest Caltrans Project No. 06-0S6004

Comments: Good Afternoon,

Included in this message please find ETIC's bid Protest for Caltrans Project No. 06-0S6004 (Bid Date: 3/30/2016) This protest is in regards to the bid submitted by Beador Construction Company, Inc. The following page includes our official protest. Please do not hesitate to contact us should you have any questions. Thank you!

Best,

Courtney Aubert
Executive Coordinator – Corporate Support

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