**TEICHERT CONSTRUCTION**

Established 1887

April 8, 2015

John C. McMillan
Deputy Division Chief
Division of Engineering Services
State of California, Department of Transportation
P.O. Box 168041, MS-43
Sacramento, CA 95816-8041

Re: Contract No. 10-0Y9104
10-MER-59-23.3/33.7
Route 59 Near Snelling from .3 miles North of Oakdale Road to La Grange Road
Bid Opened: March 18, 2015

Dear Mr. McMillan:

A. Teichert & Son, Inc. dba Teichert Construction ("Teichert") is the apparent low bidder on Contract No. 10-0Y9104 ("Contract"). The purpose of this letter is to respond to the arguments set forth in the protest letter from George Reed Inc. ("Reed") dated April 3, 2015. The letter insinuates that by bidding Tack Coat at \$1.00/TN Teichert has a mathematically and materially unbalanced bid. Furthermore, Reed states that Teichert is trying to take advantage of the state by bidding tack coat at \$1.00/tn. Reed tries to prove their point by showing assumed calculated areas and assumed means and methods for Teichert's Tack Coat placement. As detailed below, the arguments lack merit and Teichert should be awarded the contract as the lowest responsive and responsible bidder.

The State's Quantities Have Been Verified

A pre bid contractor inquiry was submitted and answered by the state verifying the quantity of Tack Coat. Please see Attachment A to view the answered pre bid inquiry #2. The question was posed to the state to verify that their tonnage for Tack Coat was correct for the project. The state looked over the question and responded with "Quantities have been verified. Bid per contract documents." Teichert bid per the response given by the state.

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Caltrans Awarded Projects with Nominal Unit Prices (Including Tack Coat)

It is an industry standard to bid the Tack Coat item at \$1.00/TN. Please see Attachment B, which shows contractors throughout the industry consistently bidding the Tack Coat item at \$1.00/TN and Caltrans awarding the contract to the lowest responsible bidder. Note that Reed is included eleven times in Attachment B, as one of the contractors who consistently bids Tack Coat at \$1.00/TN.

Conclusion

Reed's bid protest must be rejected and Caltrans should continue to award Contract 10-0Y9104 to the lowest responsive and responsible bidder, Teichert. As described above, Teichert's price for Item No. 20 is a financial benefit to Caltrans. Teichert should be awarded Contract No. 10-0Y9104.

Thank you for your attention to this matter.

Very truly yours,



Eric Stannard

Director of Public Procurement
Teichert Construction

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Attachment A

[Caltrans](#) > [Engineering](#) > [Office Engineer](#) > [Bidder Inquiries](#) > [Bidder Inquiries](#)

Viewing inquiries for 10-OY9104

[Submit new inquiry for this project](#)

Inquiry #1: Will the Material Transfer Vehicle be required for placing the RHMA-G?

Inquiry submitted 03/03/2015

Response #1 Submitted for consideration

Response posted 03/04/2015

Response #2 Yes, an Material Transfer Vehicle is required per Contract SSPs, RSS 39-3.03 Construction, 1st sentence. ~~It will use a material transfer vehicle when placing RHMA-G.~~

Response posted 03/06/2015

Inquiry #2: It appears that the Quantity for bid item 18) RHMA-G is overstated. The SF calculated for RHMA-G at first glance looks like it was figured with the maximum variable widths, when there are only a few instances that this project is at a maximum width. The overstated SF is also affecting the Tack quantity in bid item 20. Please verify that your quantities are correct.

Inquiry submitted 03/05/2015

Response #1 Submitted for consideration

Response posted 03/06/2015

Response #2 Quantities have been verified. Bid per current contract documents.

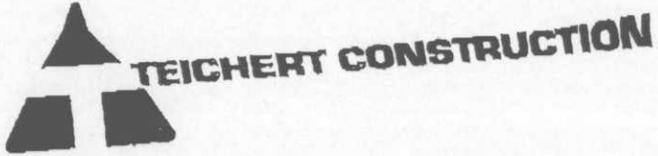
Response posted 03/09/2015

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Attachment B

Caltrans Awarded Contracts with Nominal Unit Prices

Contract No.	Date Awarded	Bid Item No.	Description	Est. Qty.	UOM	Unit Price	Total	Contractor
06-360214	12/6/2012	74	Tack Coat	280	TN	\$ 24.00	\$ 6,720.00	Papich
04-4A0104	10/26/2012	68	Tack Coat	480	TN	\$ 1.00	\$ 480.00	Teichert
06-325504	10/24/2012	70	Tack Coat	37	TN	\$ 1.00	\$ 37.00	Granite
04-3A9214	9/14/2012	124	Tack Coat	140	TN	\$ 100.00	\$ 14,000.00	RGW
05-330774	5/18/2012	81	Tack Coat	170	TN	\$ 10.00	\$ 1,700.00	Papich
10-415704	4/6/2012	102	Tack Coat	68	TN	\$ 1.00	\$ 68.00	Teichert
04-GC7404	2/3/2012	31	Tack Coat	2570	TN	\$ 0.02	\$ 25.70	Ghiotti Bros
10-0V6804	8/5/2014	34	Tack Coat	67	TN	\$ 1.00	\$ 67.00	George Reed
10-0K1504	6/18/2013	17	Tack Coat	2	TN	\$ 1.00	\$ 2.00	George Reed
10-0P6004	11/22/2012	20	Tack Coat	52	TN	\$ 1.00	\$ 52.00	George Reed
10-0V9204	6/20/2013	18	Tack Coat	63	TN	\$ 1.00	\$ 63.00	George Reed
10-0V9304	4/20/2012	20	Tack Coat	140	TN	\$ 1.00	\$ 140.00	George Reed
10-0V9804	4/30/2012	18	Tack Coat	61	TN	\$ 1.00	\$ 61.00	George Reed
10-0W0104	5/31/2012	20	Tack Coat	110	TN	\$ 1.00	\$ 110.00	George Reed
10-0W0204	5/30/2012	16	Tack Coat	440	TN	\$ 1.00	\$ 440.00	George Reed
10-0W4004	4/17/2014	21	Tack Coat	170	TN	\$ 1.00	\$ 170.00	George Reed
10-0W4104	3/28/2014	18	Tack Coat	95	TN	\$ 1.00	\$ 95.00	George Reed
10-0W4304	2/27/2014	21	Tack Coat	140	TN	\$ 1.00	\$ 140.00	George Reed



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**ESTIMATING DEPARTMENT
FAX COVER SHEET**

TO: Mulissa Smith
COMPANY: Caltrans
FAX NUMBER: 916-227-6282
PHONE NUMBER: 916-227-6299

FROM: Eric Stannard
Director of Public Procurement

DATE: 4-8-15

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RE: Protest Response Letter For 10-0Y 9104