



GENERAL ENGINEERING CONTRACTOR License #720394
2231 La Mirada Drive
Vista, CA 92081
(760) 727-8700 Phone (760) 727-8701 Fax
Email: mainoffice@pave-tech.com

July 16, 2015

Department of Transportation
Division of Engineering Services
Office Engineer, MS-43
1727 30TH Street
Sacramento, CA 95816-8041
Fax: 916-227-6282

Attention: John C. McMillan

Re: 11-2M7804 Bid Date: 6/24/15

Subject: Second Protest of Granite Construction Bid

Dear Mr. McMillan:

In addition to the issues raised in our first bid protest, Granite's bid must be rejected because it failed to correctly list the portion of the work to be performed by Cindy Trump Inc. dba Lindy's Cold Planing.

Granite bid \$1.95 s.y. for an extended amount of \$354,900.00 item (9) (Exhibit 1 attached). It listed Cindy Trump Inc. dba Lindy's Cold Planing to perform 83% of that bid item (Exhibit 2). Granite described the portion of work to be performed as "Cold Plane AC, Haul, Sweep". These activities are identified in the quotation submitted to Granite by Cindy Trump Inc. dba Lindy's Cold Planing as "Cut Only, Sweeper, Haul". (Exhibit 4). However, it is clear from the attached spreadsheet that these three activities in the subcontractor's quote total only \$1.52 s.y. This represents only 78% of item (9), not the 83% stated by Granite.

We have also analyzed the prices quoted by Cindy Trump Inc. dba Lindy's Cold Planing based upon the DBE Listing (Exhibit 3) which results in 28% and based upon the entire scope of work quoted by Cindy Trump Inc. dba Lindy's Cold Planing (Exhibit 4) which results in 85%. As you see, the percentages never equal the 83% stated by Granite. There is no combination of prices submitted by Cindy Trump Inc. dba Lindy's Cold Planing to Granite that yield a portion of work to be performed on item (9) at 83%.

Cal Trans stated position that failure to accurately list subcontractor item percentages renders the bid nonresponsive is clearly set out in RSS 2-1.10 Subcontractor List (02-27-15):

2-1.10 SUBCONTRACTOR LIST

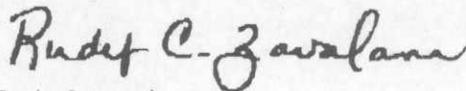
On the Subcontractor List form, list each subcontractor to perform work in an amount in excess of 1/2 of 1 percent of the total bid or \$10,000, whichever is greater (Pub Cont Code § 4100 et seq.).

For each subcontractor listed, the Subcontractor List form must show:

1. Business name and the location of its place of business.
2. California contractor license number for a non-federal-aid contract.
3. Public works contractor registration number.
4. Portion of work it will perform. Show the portion of the work by:
 - 4.1. Bid item numbers for the subcontracted work
 - 4.2. Percentage of the subcontracted work for each bid item listed
 - 4.3. Description of the subcontracted work if the percentage of the bid item listed is less than 100 percent. (emphasis added)

Granite's bid does not comply with RSS 2-1.10.4.2 and therefore must be rejected. This is the only conclusion that will reflect Caltrans' insistence on bidding integrity.

Sincerely,



Rudy C. Zavalani
President

Granite Construction Company
11-2M7804
Subcontractor Bid Percentage Error Analysis

<u>Exhibit #</u>	<u>Item 9</u>	<u>Granite Bid \$</u>	<u>Trump-Lindy Quote \$ s.y.</u>	<u>Quantity (s.y.)</u>	<u>Extension</u>	<u>Listed %</u>	<u>Actual % Using Total \$</u>	<u>Actual % Using Unit Prices (Trump-Lindy Quote/Granite Bid)</u>
1		\$354,900.00 \$1.95 s.y.						
2	<u>Sub. Listing (4)</u>							
	Cut Only		\$0.55	182,000	\$100,100			
	Sweeper		\$0.26	182,000	\$47,320			
	Haul		<u>\$0.71</u>	182,000	<u>\$129,220</u>			
	Total		\$1.52		\$276,640	83%	78%	78%
3	<u>DBE Listing</u>							
	Cut Only		<u>\$0.55</u>	182,000	<u>\$100,100</u>			
	Total		\$0.55		\$100,100	83%	28%	28%
4	<u>Entire Quote</u>							
	Cut Only		\$0.55	182,000	\$100,100			
	Sweeper		\$0.26	182,000	\$47,320			
	Haul		\$0.71	182,000	\$129,220			
	Detail		<u>\$0.13</u>	182,000	<u>\$23,660</u>			
	Total		\$1.65		\$300,300	83%	85%	85%

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BID ITEM LIST

Item No.	Item Code	Item Description	Estimated Quantity Unit of Measure	Unit Price	Item Total
1	070030	LEAD COMPLIANCR PLAN	LUMP SUM LS	LUMP SUM	2,000.00
2	120090	CONSTRUCTION AREA SIGNS	LUMP SUM LS	LUMP SUM	20,000.00
3	120100	TRAFFIC CONTROL SYSTEM	LUMP SUM LS	LUMP SUM	235,000.00
4	128651	PORTABLE CHANGEABLE MESSAGE SIGN (EA)	4.0 EA	2,500.00	10,000.00
5	130100	JOB SITE MANAGEMENT	LUMP SUM LS	LUMP SUM	5,000.00
6	130200	PREPARE WATER POLLUTION CONTROL PROGRAM	LUMP SUM LS	LUMP SUM	625.00
7	150714	REMOVE THERMOPLASTIC TRAFFIC STRIPE	4,060.0 LP	0.50	2,030.00
8	150715	REMOVE THERMOPLASTIC PAVEMENT MARKING	170.0 SQFT	5.00	850.00
9	153103	COLD PLANE ASPHALT CONCRETE PAVEMENT	182,000.0 SQYD	1.95	354,900.00
10	190185	SHOULDER BACKING	1,000.0 TON	30.00	30,000.00
11	370001	SAND COVER (SEAL)	390.0 TON	125.00	48,750.00
12	370120	ASPHALT-RUBBER BINDER	440.0 TON	884.00	388,960.00

Bidding Firm: Granite Construction Company

List this sub? Yes

4) Business Name Cindy Trump Inc dba Lindy's Cold Planing
Location City La Habra State CA
California Contractor License Number 754500
CA Department of Industrial Relations' Registration Number 1000008423
Portion of Work Subcontracted:

Item #	Description
9 83	Cold Plane AC, Haul, Sweep

List this sub? Yes

5) Business Name American Pavement Systems
Location City Modesto State CA
California Contractor License Number 943792
CA Department of Industrial Relations' Registration Number 1000000207
Portion of Work Subcontracted:

Item #	Description
3 28	Traffic control by Rubber Screenings sub for their operations
11 100	
12 100	
13 100	

List this sub? Yes

6) Business Name American Pavement Systems
Location City Modesto State CA
California Contractor License Number 943792
CA Department of Industrial Relations' Registration Number 1000000207
Portion of Work Subcontracted:

Item #	Description
14 100	
27 37	Portion of mobilization for Rubber Screenings work

Low Bidder

06-29-15 A 11:24 REV9

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
DBE - COMMITMENT
 DBE-06-0102.1KD (REV 12/01/14)

CONTRACT NO. **11-2M7804**

ESTIMATE: **\$4,686,605.00**

DD OPENED DATE: **June 24, 2015**

BIDDER'S NAME: **Granite Construction Company**

DBE GOAL FROM CONTRACT %: **8%**

DBE PRIME CONTRACTOR CERTIFICATION ¹	TOTAL NUMBER OF ALL SUBCONTRACTS (DBE & NON-DBE)	TOTAL VALUE OF ALL SUBCONTRACTS (DBE & NON-DBE)
N/A	Five (5)	\$1,485,557.00

DBE ITEM NO.	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED ²	WORK CATEGORY CODES ³	NAME OF DBE (DBE as certified on the DBE list or approved Internal Certified on DBE list) and phone number, state, zip and address ⁴	AMOUNT (\$)
9 (P)	Cold Plane Asphalt Concrete Pavement	C1531, C1901, C2201, C2401, C3901, C3910, C3990, C4201, C9903, C9905	Cindy Trump, Inc dba Lindy's Cold Planing Cert # 40089 625 S. Mountain View La Habra, CA 90631 (562) 697-2286	\$100,100.00
16 (P)	Supply Liquid AC Oil	C9924, C9904, C9905, C9970, C9774, C9908	LMS Transport Cert # 38327 2761 Avalon Street Jurupa Valley, CA 92509 (951) 618-3828	\$276,310.00

There are DBE firms being submitted for credit, regardless of tier. Attach written confirmation from each DBE shown stating that it will be participating in the contract to perform the specific work shown for the specific amount approved by:

The names of the top tier DBE subcontractors and items of work used be consistent with the Subcontractor List (PSS Code Code if 4100 or 4002).

Each DBE prime contractor must enter its certification number and show all work to be performed by DBE, including work performed by its own forces.

All work of any item is not to be performed or finished by the DBE, describe the exact portion of the item to be performed or finished.

Use Work Category Codes from the California Unified Classification Program website.

Total Change Participation: **\$ 375,410.00**

8.15 %

The bidder certifies that it is committed to use the DBEs shown on this form to complete the contract goal (29 CFR 26.40).

Signature
 Signature of Bidder: **Joseph P. Richardson, Chief Estimator**
 Date: **8/26/15** (780) 391-8247
 Area Code | Tel. No.
 Joe Richardson
 Person to Contact (Please Type or Print)

ADA Notice: For individuals with sensory disabilities, this document is available in alternate format. For information call (916) 465-1234, TTY 711, or write to Records and Forms Management, 1127 N Street, M-008, Sacramento, CA 95834.

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CINDY TRUMP INC dba
LINDY'S COLD PLANING
DBE - WBE - SBE - UDBE - CERTIFIED File #40089
625 W. MOUNTAIN VIEW
LA HABRA, CA 90631
PHONE 562.697.2286 FAX 562.697.1039
LIC # A 754500
BID PROPOSAL
DIR # 1000008423

CONTRACTOR: Granite Construction
JOB NAME: 11-2M7804
BID DATE: 6/24/2015
CONTACT: Joe Richardson
PHONE:
FAX:

Item 9
182,000 SY @ .25 in depth
 Cut Only \$0.55 SY → (182,000 SY X 0.55/SY) = \$100,100
 Sweeper \$ 0.28 SY
 Haul \$ 0.71 SY
 Detail \$.18 SY

Based on 16 shifts w (2 large grinders and 2 sweepers) 5 hr max shift for all equipment.

All trucking is based on dumping at Granite Plant El Centro for free.

1 move in and out included

Extra moves \$850.00 ea piece of equipment

Rental of Milling Machines

Wirtgen 210 (6 ft or 7 ft)
 Milling machine RP 715
 4 hr min
 \$2500.00 additional hours \$550.00 P/H
 Move \$ 850.00 Ea

Mini Grinder

\$1400.00 Per Day 8 hr min
Move \$350.00

Groundman is \$720.00 Per Day (8 hr min)

Special Condition

1. All prices includes as stated above.
2. PRICE EXCLUDES: ANY HAND CREWS, HAND DETAILING, PULLING OF CANS OR VALVES, TEMP ASPHALT RAMPS.
3. EXCLUDES PETROMAT
4. All delays and standbys will be billed at hourly rates per equipment and labor
5. Excludes: traffic control, contractor to provide water buggy or water source within 500 ft of grinder, sweeper is not to be used for removals, excludes hand work of any kind.

GRINDING JOB TERMS AND CONDITIONS

PRICES ARE SUBJECT TO VARY UPON CHANGE OF SCOPE IN WORK.

1. All grinded areas need to be clearly marked by general contractors or inspector before grinding operations start.
2. Contractor to provide water for milling operations.
3. All operations excludes pcc grinding and/ or petromat unless otherwise stated on this proposal.
4. Contractor agrees to notify all utility contractors or companies in which involve underground utilities and take all responsibility for damaged utilities caused by grinder.
5. Areas in and around corners, overhangs, parking bays, valves, manholes and unreachable areas for the milling machine or mini grinder become contractors responsibility.
6. Contractor is responsible for all damages to machine for any items buried in ground or not marked out and will be billed at union time and material rate.
7. Contractor is responsible for posting "no parking" signs in milling areas.
8. Contractor responsible for traffic control and any delays in traffic control will be charged at an hourly stand by charge for all equipment including grinders, stabilizers, operators, sweepers and all trucking.
9. Contractor to provide a safe work environment for all operators on milling operation including signage, barricades, flag men, cones or any other devices that may help in the safety operation.
10. Once subcontractor demobilizes and has left the project there of, it shall no longer be responsible for any obligation of defense and indemnification for any at all claims arising in the area of work performed in the milling operation area.
11. All areas of grinding operation must be clear of any obstructions including but not limited to trees, cars, trashcans etc.
12. Contractor to provide temporary asphalt taper at pavements edge due to safety concerns.
13. Contractor to provide permits notifications and plans on or before milling operations.
14. No back charges will be accepted.
15. Subcontractor takes no responsibility for dust control beyond areas of milling operation.

- 16. Subcontractor to provide covers over all areas that drain into sewers to prevent storm water pollution in accordance to cul trans or green book specs.
- 17. The provisions of this quote prevail over any subcontract or purchase orders stipulations unless otherwise agreed to in writing on this proposal.
- 18. Unless other wise agreed in writing prior to start of work, payment is due and payable within 30 days of subcontractors billing and no retention to be withheld on payments unless other wise stated on this proposal.
- 19. Price good for 90days..
- 20. All rentals include one complete set of teeth per shift. Any additional teeth will be charged per box per market price.
- 21. All shifts are paid at union rate which is the 2, 4, 6, and 8 hour minimums. All over time rates will be billed at a per hour rate for work done after 8 hr min or done other than a week day shift. Any union holidays are paid at rate of triple time.
- 22. Union rate for operator group 8 is a billable rate of \$76.00 per hour straight time rate, \$105.00 per hour overtime and \$180.00 for double time.
- 23. Items that are not specifically includes are considered to be excluded, if you have any questions please call office.
- 24. Fuel surcharge will apply if fuels is over \$5.00 per gallon.

The above list items and prices are satisfactory:

Name _____ DATE: _____

Bid Quoted by Brianna Trump on 6/10/2015

CINDY TRUMP INC dba
 LINDY'S COLD PLANING
 DBE ~ WBE ~ SBE ~ UDBE ~ CERTIFIED File #40089
 625 W. MOUNTAIN VIEW
 LA HABRA, CA 90631
 PHONE 562.697.2286 FAX 562.697.2039
 LIC # A 754500
 BID PROPOSAL
 DIR # 1000008423

CONTRACTOR: Granite Construction
JOB NAME: 11-2M7804
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CONTACT : Joe Richardson
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182,000 SY @ 2.5 in depth

Cut Only \$0.55 SY

Sweeper \$ 0.26 SY

Haul \$ 0.71 SY

Detail \$.13 SY

(182,000 SY) x (0.55/SY) = \$100,100

Based on 16 shifts w (2 large grinders and 2 sweepers) 5 hr max shift for all equipment.

All trucking is based on dumping at Granite Plant El Centro for free.

1 move in and out included

Extra moves \$850.00 ea piece of equipment

Rental of Milling Machines

Wirtgen 210 (6 ft or 7 ft)

Milling machine HP 715

4 hr min

\$2500.00 additional hours \$550.00 P/H

Move \$ 850.00 Ea

Mini Grinder

EXHIBIT 4-1

\$1400.00 Per Day 8 hr min
Move \$350.00

Groundman is \$720.00 Per Day (8 hr min)

Special Condition

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3. EXCLUDES PETROMAT
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EXHIBIT 4-2

16. Subcontractor to provide covers over all areas that drain into sewers to prevent storm water pollution in accordance to cal trans or green book specs.
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18. Unless other wise agreed in writing prior to start of work, payment is due and payable within 30 days of subcontractors billing and no retention to be withheld on payments unless other wise stated on this proposal.
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23. Items that are not specifically includes are considered to be excluded, if you have any questions please call office.
24. Fuel surcharge will apply if fuels is over \$5.00 per gallon.

The above line items and prices are satisfactory:

Name _____

DATE: _____

Bid Quoted by Brianna Trump on 6/10/2015

EXHIBIT 4-3