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graniteconstruction.com

January 8, 2015

State of California - Department of Transportation
Division of Engineering Services
Office Engineer
1727 30th Street, MS 43
PO Box 168041
Sacramento, CA 95816-8041

Telephone Number: (916) 227-6299

Facsimile Number: (916) 227-6282

Attn: Mr. John C McMillan – Deputy Division Chief

Re: Bid Protest
Contract Number 11-407004
Location 11-SD-8-R61.2/R77.88
Bid Opening Date: December 18, 2014

Dear Mr. McMillan,

Granite Construction Company ("Granite") timely submitted a bid to the California Department of Transportation (the "Department") for the above-referenced Contract. Currently, Coffman Specialties, Inc. ("Coffman") is the apparent low bidder and Granite is the second low bidder by a very small margin. Granite's bid was only \$53,548 different from Coffman's bid. As explained in more detail below, Coffman's bid is nonresponsive because it fails to comply with the Department's mandatory requirements for subcontractor listing and impermissibly expanded the scope of subcontracted work for J Francis Company ("J Francis") after the bid opening. Therefore, Coffman's bid should be rejected as non-responsive.

Coffman's Bid is Non-Responsive;

Coffman Enlarged the Scope of Work for J Francis on its 24-Hour Submittal

The Subletting and Subcontracting Fair Practices Act, California Public Contract Code 4100 et seq. ("Subcontractor Listing Law") requires bidders for public contracts to list the name, the location of place of business, and the California contractor license number of each subcontractor who will perform work in an amount in excess of one-half of one percent of the prime contractor's total bid or \$10,000, whichever is greater. Cal. Pub. Contract Code, § 4104(a). The bidder must also set forth the portion of the work that will be done by each subcontractor. Cal. Pub. Contract Code, § 4104(b).

The Department's Subcontractor List form instructs bidders to submit the following information with the bid: (a) the name, (b) the location of the place of business, (c) the California contractor license number, and (d) the portion of work of each subcontractor who is required to be listed under the Subcontractor Listing Law. Additionally, the Department's Subcontractor List form requires the bidders to "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.

In violation of this express mandate, Coffman's bid-day Subcontractor List and 24-hour submittal with respect to J Francis are materially inconsistent. After bid opening, Coffman revised its Subcontractor List by adding subcontracted work for J Francis that was not included on the original Subcontractor List submitted with its bid. On bid day, Coffman listed J Francis for "Bridge Deck Repair, treatment". After the bid opening, Coffman listed bid items 16, and 21-24, as well as bid items 44, and 45, and indicated that J Francis would be performing 100% of all those bid items (see exhibit 1). Coffman impermissibly enlarged J Francis' scope of work by adding the bridge joint seal work items (44 and 45) to the 24-hour submittal. Joint seal work is not associated with bridge deck repair and treatment, therefore Coffman has enlarged the scope of work by including items 44 and 45 on its 24-hour subcontractor listing.

Standard Specification 1-101 provides, in pertinent part, "The bid items set forth the construction specifications that apply. The first 2 digits of a bid item code correspond to the specification section number with the same 2 first digits..." Bid items 16 (rapid setting concrete patch – Item Code 150310), 21 (remove unsound concrete – Item Code 153223), 22 (prepare concrete bridge deck surface – Item Code 153225), 23 (treat bridge deck – Item Code 153233), and 24 (furnish bridge deck treatment material – Item Code 153234) were described as "bridge deck repair and treatment" by Coffman. These items are all covered by standard specification section 15, in particular Section 15-5 "Bridge Rehabilitation". Bid items 44 and 45, Joint Seals MR ½" and MR 1", are identified in the governing specifications under section 51-2 and are NOT bridge rehabilitation (or "bridge deck repair and treatment") items. The distinction between the scopes of work is also reflected in J Francis' proposal. On their proposal, J Francis broke apart the 3 different scopes of work (see exhibit 2) for bridge deck repair (Group I), bridge deck treatment (Group II), and bridge joint seal work (Group III). Joint seal work does not fall within the scope of the bridge deck repair and treatment work, but rather, is a separate item of work.

Furthermore, the project plans identify locations for bridge joint seals where bridge rehabilitation work does not exist (plan sheet 66 and 68 of 71). McCain Valley Road UC and Carrizo Road UC have paving notch extensions and approach slab work, as well as bridge joint seal work, but do not require any bridge deck repair or treatment.

The Department has strictly interpreted and enforced the subcontractor listing requirements and has rejected bids as nonresponsive where a bidder attempts to expand the scope of work it intended to subcontract to a subcontractor by adding items of work to its revised Subcontractor List that were not included in the Subcontractor List submitted with the bid. For example, on Contract No. 04-3A23U4, the Department rejected a bid from O.C. Jones and Sons, Inc. ("O.C. Jones") because it had listed Myers and Sons to perform Bridge Structures, but then added bid items for Structural Concrete

Retaining Wall and Structural Concrete Sound Wall. (A copy of this determination is attached for ease of reference).

Similarly, on Contract No. 03-3E1004, the Department rejected Granite's bid as non-responsive, in part, because Granite had listed Myers & Sons Construction as performing Polyester Concrete, Bridge Removals, Raise Bridge, Structural Concrete, Drill & Bond Dowell, Bridge Barrier and Bar Reinforcing Steel (Bridge Related), but then included bid items for Joint Seal, Traffic Control System, and Temporary Concrete Washout in its 24-hour submittal. (A copy of this determination is attached for ease of reference).

Moreover, on Contract No. 04-4G1004, the Department rejected Pavex Construction Division's bid ("Pavex") because it had listed Farwest to perform Construction Area Signs, but then added roadway signs to the revised bid list. (A copy of this determination is attached for ease of reference).

Likewise, Caltrans has recently found Coffman's bid non-responsive on Contract No. 11-275504 for improperly expanding the scope of work given to Statewide Traffic Safety & Signs. In its bid-day submittal, Coffman listed Statewide Traffic Safety & Signs to perform work described as Construction Area Signs and Roadside Signs. On its 24-hour submittal, Coffman listed bid items 9 and 10 (Temporary Crash Cushion Module and Temporary Alternative Crash Cushion Systems, as well as bid item 64 (Guardrail Delineator). The Department explained that "Bid Items 9, 10 (Temporary Crash Cushion Module and Temporary Alternative Crash Cushion System, are covered under the elements of work described in the 2010 Revised Standard Specifications, Section 12 Temporary Traffic Control" and bid item 64 (Guardrail Delineator) "is covered under Section 82, Markers and Delineators..." The Department found that such bid items are not Construction Area Signs or Roadside Signs and therefore, concluded that Coffman improperly expanded the scope of work given to Statewide Traffic Safety & Signs, making its bid non-responsive. (A copy of this determination is attached for ease of reference).

Like the bidders in the above-listed examples, Coffman added work in column 2 on its 24-hour Subcontractor List form which is inconsistent with the description of subcontracted work listed in column 4 for J Francis on the original Subcontractor List submitted with Coffman's bid. As the Department has previously held, Joint Seal does not fall within the scope of bridge repair work. Therefore, Coffman's bid should be rejected as nonresponsive.

Coffman Cannot Meet Its Good Faith Efforts Obligations

Even if the Department allowed Coffman to self-perform the subject joint seal work, Coffman's bid would still be non-responsive.

The DBE contract goal for this Project is 6 percent (6%). Each bidder was required to meet the 6% Contract DBE goal or demonstrate that it made adequate good faith efforts to meet that goal. Coffman did not submit any good faith efforts documentation. Coffman claims to have met that goal by, in part, utilizing J Francis for joint seal work. As reflected on J Francis' quote, such work represents \$99,898 of the total amount of claimed participation for J Francis. As discussed above, the joint seal work was improperly added to J Francis' scope of work. Accordingly, Coffman cannot utilize J Francis for that work.

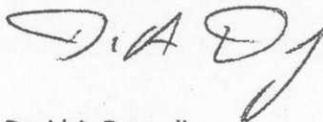
If Coffman cannot use J Francis to perform the joint seal work because Coffman did not properly include this scope of work on its bid time subcontractor list form, then the dollar amount of Coffman's claimed DBE participation must be reduced to \$2,035,070.20 (i.e. \$2,134,968.20 - \$99,898) or only 5.83%. Coffman would not meet the 6% DBE goal and would be unable to demonstrate adequate good faith efforts to meet the goal. Coffman's bid would therefore be non-responsive.

Coffman's violations of the Subcontractor Listing Law and Department's bid specifications created an advantage for Coffman not available to other bidders. As demonstrated above, expanding the scope of work for J Francis enabled Coffman to claim more DBE participation than that to which it was entitled and to meet the 6% DBE goal which it otherwise would not have met. The defect also allowed Coffman to avoid the outreach and documentation required to demonstrate good faith efforts to obtain DBE participation.

In sum, Coffman's bid does not comply with the Subcontractor Listing Law and the bid specifications. Coffman is impermissibly attempting to expand and change the scope of work subcontracted to J Francis by adding an item of work (joint seal) that was not included in the Subcontractor Listing form submitted with its bid. Coffman also overstated its DBE participation for J Francis and cannot demonstrate its good faith efforts to meet the DBE goal. Such defects are material, give Coffman a competitive advantage over other bidders, and render Coffman's bid non-responsive. Granite respectfully requests that the Department find Coffman's bid non-responsive and award the contract to Granite, the lowest responsive and responsible bidder.

Your time and consideration of this matter are greatly appreciated. Please do not hesitate to contact me at (760) 732-0910 if you require additional information.

Regards,



David A. Donnelly

V.P. / Regional Manager – Southern California
Granite Construction Company

Exhibit 1

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 11-407004 Project ID: 1100020392

Bidder Name:Coffman Specialties, Inc.

Bidder ID:VC0000007963

List this sub? Yes

24) Business NameAmerican Pavement Systems

Location CityModesto StateCa

California Contractor License Number (a) 943792

Description of Portion of Work

Precoated Screenings & AC Rubber Binder

Bid Item Numbers

Percentage of Bid Item Subcontracted

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 11-407004 Project ID: 1100020392

Bidder Name:Coffman Specialties, Inc.

Bidder ID:VC0000007963

List this sub? Yes

26) Business NameJ Francis Co

Location CityRiverside StateCa

California Contractor License Number (a) 585103

Description of Portion of Work

Bridge Deck Repair, treatment

Bid Item Numbers

Percentage of Bid Item Subcontracted

Received
9585860164

Exhibit 1

Dec 19 2014 08:38am

COFFMAN SPECIALTIES

PAGE 05/06

12/19/2014 08:33

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
Contract No.: 11-407004 Project ID: 1100020392
Bidder Name:Coffman Specialties, Inc.
List this sub? Yes

Bidder ID:VC0000007963

24) Business NameAmerican Pavement Systems
Location CityModesto StateCa
California Contractor License Number (a) 943792
Description of Portion of Work

Precoated Screenings & AC Rubber Binder
Bid Item Numbers

27,63

Percentage of Bid Item Subcontracted
100%

Bid Item Numbers

Percentage of Bid Item Subcontracted

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
Contract No.: 11-407004 Project ID: 11.00020392
Bidder Name:Coffman Specialties, Inc.
List this sub? Yes

Bidder ID:VC0000007963

26) Business NameJ Francis Co
Location CityRiverside StateCa
California Contractor License Number (a) 585103
Description of Portion of Work

Bridge Deck Repair, treatment

Bid Item Numbers

16,21-24,44,45

Percentage of Bid Item Subcontracted
100%

Bid Item Numbers

Percentage of Bid Item Subcontracted

ERT


Exhibit 2

J. FRANCIS COMPANY
 16197 Krameria Ave., Riverside, CA 92504
 Lic.585103 Ph. (951)776-9100 Fx. (951)776-9174 jfranciscompany.com
DBE Certification # 38326

December 17, 2014

PROPOSAL

CDOT Contract #11-407004 1 ADM Noted

Bids 12/18/2014 at 2 PM PT

Furnish and install the following line items for the above referenced project:

Group I: 6 shifts

Item 16: 150310 Rapid Setting Concrete (Patch)	102 CF x 300 =	30,600
Item 21: 153223 Remove Unsound Concrete	102 CF x 250 =	<u>25,500</u>
SUBTOTAL:		56,100

Group II: 10 Shifts *Complete Removal of AC overlay and traffic stripes are required prior to move-in. Concrete Patches must be complete prior to our move-in.

Item 22: 153226 Prepare Concrete Bridge Deck*	102,157 x .30 =	30,647
Item 23: 153233 Treat Bridge Deck	102,157 x .60 =	61,294.1
Item 24: 153234 Furnish Bridge Deck Treatment Material 1135G x 54=		<u>61,290.2</u>
SUBTOTAL:		\$153,231.30

* Alternate Add for PSP Omitted Item 150100: \$5200 for one test one location.

Group III: 18 Shifts

Item 44: 519081 Joint Seal (MR 1/2" Type B)	966 LF x 63 =	60,858
Item 45: 519088 Joint Seal (MR 1" Type B)	610 LF x 64 =	<u>39,040</u>
SUBTOTAL:		99,898

TOTAL OF GROUPS 1-3: \$ 309,229.30 and 32 shifts.

* Groups may be contracted individually.

* Discount 5% If all items are contracted together.

Union Labor and Insurance are included. Bond Rate is 2%.

Customer to Provide:

1. Traffic control, safety requirements and measures as needed.
2. Staging Area
3. Lighting
4. Trash bins
5. 2 week notice for scheduling
- 6.

Signed,
 Diana Hanna
 Project Director

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



*Flex your power!
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August 23, 2012

Facsimile: (510) 526-0990

Greg Souder, Secretary
O.C. Jones and Sons, Inc.
1520 Fourth Street
Berkeley, CA 94710

04-3A23U4
04-Son-101-25.6/29.2
B.O. 8/8/12

Dear Mr. Souder:

O.C. Jones and Sons, Inc. (O.C. Jones) submitted a bid for contract 04-3A23U4 on August 8, 2012. By this letter, the Department of Transportation (Caltrans) notifies O.C. Jones 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 Myers and Sons were originally subcontracted to perform Bridge Structures, but bid item 127 Structural Concrete Retaining Wall and bid item 128 Structural Concrete Sound Wall were added on the revised bid list received on August 9, 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.

Greg Souder, Secretary
August 23, 2012
Page 2

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

Cc: Ghilotti Brothers Contractors / RM Harris JV
Fax: 415-454-8376

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BRDWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER

1727 30th STREET, MS 43

SACRAMENTO, CA 95816-8041

PHONE (916) 227-6299

FAX (916) 227-6282

www.dot.ca.gov/hq/esc/oe

*Flex your power!
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January 24, 2014

Facsimile: (916) 369-0429

Colin C. Crawford, Chief Estimator
Granite Construction Company
P.O. Box 15287
Sacramento, CA 95851-0287

03-3E1004
03-Pla-080-8.1/37.8
B.O. 11/06/2013

Dear Mr. Crawford:

The Department of Transportation (Caltrans) received a bid submitted by Granite Construction Company (Granite) for Contract No. 03-3E1004 on November 6, 2013. By this letter, Caltrans notifies Granite that its bid is nonresponsive because of a change in the scope of work for one of the subcontractors on the Subcontractor List form.

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.

On the Subcontractor List form submitted with its bid, Granite identified Myers & Sons Construction (Myers) as only performing work described as Polyester Concrete, Bridge Removals, Raise Bridge, Structure Concrete, Drill & Bond Dowel, Bridge Barrier, and Bar Reinforcing Steel (Bridge Related). However, on the 24-hour Subcontractor List form submitted on November 7, 2013, Bid Item 5 - Traffic Control System, Bid Item 32 - Temporary Concrete Washout, and Bid Item 127 - Joint Seal (MR 1") were added in column 2 as work to be performed by Myers. The inclusion of these bid items in the 24-hour submission enlarge the scope of work that was initially identified in column 4 of the Subcontractor List form submitted with the bid. In addition, Granite identified ABSL as only performing work described as Cold Plane AC. However, on the 24-hour Subcontractor List form, Granite revised the scope of work to include Bid Item 81 - Roadway Excavation. The primary Roadway Excavation location involves lowering the profile under the structure, which means removing all of the structural section and additional material in the native basement soil. The performance of this work is not typically performed under the role of a cold planer. Therefore, the scope of work initially identified to be performed by ABSL was enlarged with the submission of the 24-hour form as this item could not be included under the description of Cold Plane AC. Consequently, these revisions are a violation of the bidding instructions as well as the subcontractor listing laws.

Based on the above, Caltrans will proceed to award the contract to the lowest responsible bidder, provided that all requirements are met.

11/07/2013 13:19 916-369-8429

GRANITE CONSTRUCTION

PAGE 02/06

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
 DES-OE-0102.2 (REV 3/2011)

Bidder Name: Granite Construction Company

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 Conl 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 (616) 227-6262 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
Myers & Sons Construction Sacramento, CA	5 ✓	30.4%	Polyester Concrete Bridge Removals Raise Bridge Structural Concrete Drill & Bond Dowel Bridge Barrier Bar Reinforcing Steel (Bridge Related)
	32 ✓	100%	
	56	100%	
	69	100%	
	70	100%	
	71	100%	
	72	100%	
	74	100%	
	75	100%	
	76	100%	
	77	100%	
	78	100%	
	79	100%	
	117	100%	
	118	100%	
	119	100%	
	120	100%	
	121	100%	
	122	100%	
	124	100%	
126	100%		
127 ✓	100%		
128	100%		
163	100%		
164	100%		
178	100%		
199	28%		
A.C. Dike Co. Lincoln, CA	110	100%	AC Dike
	111	100%	
	112	100%	
	113	100%	
	114	100%	

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** INBOUND NOTIFICATION : FAX RECEIVED SUCCESSFULLY **

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STATE OF CALIFORNIA - BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

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



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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
 JOHN C. McMILLAN

JCM
 Deputy Division Chief
 Office Engineer
 Division of Engineering Services

Attachment

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER

P.O. BOX 168041, MS-43

SACRAMENTO, CA 95816-8041

PHONE (916) 227-6299

FAX (916) 227-6282

TTY 711

www.dot.ca.gov

*Serious drought.
Help save water!*

December 19, 2014

Facsimile: (858) 453-6034

Colleen Coffman, President
Coffman Specialties, Inc.
9685 Via Excelencia, Suite 200
San Diego, CA 92126

11-275504
11-SD-67-R0.0/R5.9
B.O 10/16/2014

Dear Ms. Coffman:

The Department of Transportation (Caltrans) received a letter dated October 27, 2014, from Hazard Construction (Hazard) protesting the bid submitted by Coffman Specialties, Inc. (Coffman), on contract 11-275504. The protest alleges the following issues;

1. On bid day, Coffman identified Statewide Traffic Safety & Signs as performing work described as Construction Area Signs and Roadside Signs. On the 24 hour submittal, Coffman listed bid items 4, 9, 10, 17, 23, 26, 27, 49-56, 64 as being performed by Statewide Traffic Safety & Signs. Hazard alleges that Bid items 9 and 10 (Temporary Crash Cushion Module and Temporary Alternative Crash Cushion System) are not bid items associated with work described as Construction Area Signs and Roadside Signs. Therefore, Hazard alleges that Coffman enlarged the scope of work by including items 9 and 10 on its 24 hour subcontractor listing.
2. On bid day, Coffman listed Ace Fence Corp. (Ace) to perform work described MBGR/Fence. On the 24 hour submittal Coffman listed bid items 17, 18-20, 65, 66-73 as being performed by Ace Fence Corp. Hazard alleges that Bid item 65 (Alternative Crash Cushion) is not included in the description of work for MBGR/Fence. Therefore, Hazard alleges that Coffman enlarged the scope of work by adding bid item 65. In addition, Hazard alleges that Coffman reduced the scope of work by omitting bid item 64, Guard Railing Delineator.
3. Coffman identified Ace for the aforementioned items in (2) however, submitted its Disadvantaged Enterprise Commitment form (DBE) listing Ace for bid items 17-20, 64-73. Hazard therefore alleges that the Subcontractor list submitted by Coffman does not match the DBE list as required.

Ms. Coffman
December 19, 2014
Page 2

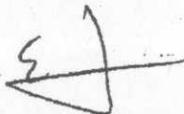
Caltrans evaluated the bid documents submitted by Coffman and determined;

1. Bid Items 9, 10 (Temporary Crash Cushion Module and Temporary Alternative Crash Cushion System), are covered under the elements of work described in the 2010 Revised Standard Specifications, Section 12 Temporary Traffic Control. During this same evaluation, Caltrans also found that Coffman included bid item 64 (Guardrail Delineator) in the work described as Construction Area Signs and Roadside Signs. The Guardrail Delineator is covered under Section 82, Markers and Delineators and as such, these items are not Construction Area Signs or Roadside Signs. Therefore, Caltrans agrees that Coffman improperly expanded the scope of work given to Statewide Traffic Safety & Signs making its bid nonresponsive on this basis.
2. Alternative Crash Cushions are covered under the elements of work described in the 2010 Revised Standard Specifications, Section 83, Railings and Barriers. As such, Caltrans determined that the scope of work described as MBGR/Fence is relative to bid item 65. Furthermore, Caltrans does not require the contractor to subcontract all elements of the work, only that portion that he/she will not be self performing. Therefore, Caltrans finds that the inclusion of bid item 65 did not improperly expand the work given to Ace Fence Corp. and the bid is responsive on this issue.
3. Caltrans has determined that the listing of bid item 64, Guardrail Delineator on the DBE Commitment form is a clerical error. As such, the DBE participation for Ace fence will be reduced by this item. In addition, the error itself does not materially affect the bid and can therefore be waived by Caltrans.

Based on these findings, Caltrans finds the bid submitted by Coffman nonresponsive. Caltrans will proceed to award the contract to the lowest responsive and responsible bidder provided that all requirements have been met.

If you have any questions, please contact Mulissa Smith, Contract Awards Branch Manager, at (916) 227-6228.

Sincerely,



PC JOHN C. McMILLAN
Deputy Division Chief
Office Engineer
Division of Engineering Services

Fax - Cover Sheet**GRANITE**TM

*440 S. Melrose Drive STE 200
Vista, CA. 92081*

Recipient: John C. McMillian, Deputy Division Chief
Company: CA DOT
Fax Number: 916-227-6282
Telephone Number: 916-227-6299

Date: January 8, 2015
Total # of Pages: 15
(including cover)

Sent By: Barbara Jacob for Dave Donnelly
Fax Number: 760-758-1501
Voice Number: 760-732-0911
E-Mail:

**Please see attached letter dated 1/8/14
Original to follow via Fed Ex**