



**SERAFIX**  
ENGINEERING CONTRACTORS, INC.  
7 Crow Canyon Court, Ste 250  
San Ramon, CA 94583  
Phone: 925-552-8253 Fax: 925-552-8254  
Lic No.1018228 A,B,C10,C31,HAZ

December 13, 2024

April Perez-Hollins, Office Chief  
Department of Transportation  
Construction Contract Awards  
Program/Project Management & Office Engineer  
Division of Engineering Services,  
Office Engineer MS 43  
1727 30<sup>th</sup> Street  
Sacramento, CA 95816  
Phone: (916) 227-6299  
Fax: (916) 227-6282

Subject: Contract No.05-1K6404  
Bid Opening: December 4, 2024  
**Bid Protest of Apparent Low Bidder**

Greetings,

Please consider this letter as Serafix Engineering Contractors, Inc.'s (SEC) formal protest of the bid submitted by Granite Construction Company (GCC), on the above referenced project for the California Department of Transportation.

**GCC's Bid Failed to Meet The 21% DBE Goal**

GCC's DBE Confirmation and Commitment forms (Exhibit "A") list E. Amezcua Trucking for the following Bid Item No. 23 as follows:

Bid Item Number	Item of Work &Description	Amount
23 (Partial)	Haul Dirt	\$71,025.00
Various (Partial)	Haul Various Materials	\$68,755.00
	<b>Total</b>	<b>\$139,780.00</b>



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GCC's claimed amount of \$139,780.00 for E. Amezcua Trucking exceeds GCC's Bid Item No.23 amount of \$114,000.00 (Exhibit "B") by \$25,780.00. Thus, this difference cannot count towards the DBE goal and lowers the total participation claimed to \$596,454.00 (\$622,234.00-\$25,780.00). Bringing the total DBE Claimed Participation to 20.15% ( $\$596,454.00/\$2,959,959.95=20.15\%$ ). Which is less than the required DBE participation goal of 21% per the Contract Special Provisions. Both the second bidder (SEC) and third bidder (Granite Rock) did achieve the DBE goal.

In addition, if GCC is intending to use E. Amezcua Trucking on other bids items, these bid items need to be clearly stated on the DBE – Commitment and Confirmation page, rather than listing "Various" as this would give GCC an unfair advantage after the bid. As stated on the DBE – Commitment form, "If 100% of an item is not to be performed or furnished by the DBE, describe the exact portion of the item to be performed or furnished." Without a clear bid item and description on this form they have not shown a clear commitment to utilizing the DBE and the \$68,755.00 listed should not be applied to their commitment, again making GCC fall well below the goal of 21%.

A basic rule of competitive bidding is that bids must conform with specifications, and that if a bid does not so conform, it may not be accepted (*Konica Business Machines USA INC v Regents of University of California (1988) 206 Cal. App 3d 449, 454*). GCC's bid did not fully conform to the bid specifications and should not be accepted.

In summary, for the reasons stated above, GCC's bid was non-responsive as GCC failed to meet the DBE goal for this project; when meeting such goal was reasonably achievable as demonstrated by the second and third lowest bidders. SEC should be awarded this contract as the lowest responsive and responsible bidder.


If you have any questions or need additional information, please do not hesitate to contact me at 925-552-8253.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry E Brandt".

Larry E Brandt  
President

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
DBE - COMMITMENT  
CCR-0006 (REV 11/2020)

CONTRACT NO.				
05-1K6404				
BID AMOUNT				
\$ 2,959,959.95				
BID OPENING DATE				
December 4, 2024				
BIDDER'S NAME				
GRANITE CONSTRUCTION COMPANY				
DBE GOAL FROM CONTRACT %				
21%				
DBE PRIME CONTRACTOR CERTIFICATION <sup>1</sup>		TOTAL NUMBER OF ALL SUBCONTRACTS (DBE & NON-DBE)		TOTAL VALUE OF ALL SUBCONTRACTS (DBE & NON-DBE)
N/A		11		\$1,082,848
BID ITEM NO.	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED <sup>2</sup>	NAICS OR WORK CATEGORY CODES <sup>3</sup>	NAME OF DBE* (Must be certified on the date bids are opened. Include Caltrans' certification no., DBE address, and phone number. Show 2nd and lower tier subcontractors.)	AMOUNT (\$)
24-28	Roadside Clearing & Erosion Control	A0780 238990	Lone Star Landscape Inc. Cert# 25591 1910 E. San Martin Avenue San Martin, CA 95046 (408) 682-0100	\$52,820.00
4(partial) 5 8	Traffic control lane closures (p) Stationary Impact Att Vehicle PCMS Boards	C1204,C1211 237310	KRC Safety Co. Inc. Cert# 447 7821 W. Sunnyview Avenue Visalia, CA 93290 (559) 732-0393	\$163,933.00 \$140,451.00 \$17,000.00
51 60-62 67(partial)	Pavement markers Thermoplastic striping Mobilization for striping	C8405,C8405 237310	Super Seal & Stripe Cert# 2003 310 A Street Fillmore, CA 93015 (805) 524-7345	\$440.00 \$17,760.00 \$6,500.00
1	Lead Compliance Plan	C8713 541620	Delta Bay Consultants Cert# 45793 2344 Foothill Drive Antioch, CA 94509 (925) 984-6561	\$1,600.00
<p>Show all DBE firms being claimed for credit, regardless of tier. Attach written confirmation from each DBE showing stating that it will be participating in the contract to perform the specific work shown for the specific amount agreed to.</p> <p>The names of the 1st tier DBE subcontractors and items of work must be consistent with the Subcontractor List (Pub Cont Code § 4100 et seq.).</p> <p><sup>1</sup> Each DBE prime contractor must enter its certification number and show all work to be performed by DBEs, including work performed by its own forces.</p> <p><sup>2</sup> If 100% of an item is not to be performed or furnished by the DBE, describe the exact portion of the item to be performed or furnished.</p> <p><sup>3</sup> Use NAICS and/or Work Category Codes from the California Unified Certification Program database.</p> <p>* NAICS: North American Industry Classification System.</p>			Total Claimed Participation	Continued on Page 2
<p>The bidder acknowledges that it is committed to use the DBEs shown on this form to meet the contract goal (49 CFR 26.53).</p> <p><b>GRANITE CONSTRUCTION COMPANY</b></p> <p>Signature of Bidder:  John Boles, Chief Estimator</p> <p>Date: December 5, 2024 (408) 327-7000</p> <p>(Area Code) Tel. No.</p> <p>John Boles, Chief Estimator</p> <p>Person to Contact (Please Type or Print)</p>				

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SEE ATTACHED:

- DBE Confirmations & Copies of Quotes

Contract No. 05-1K6404

# EXHIBIT "A"

2 of 4

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
**DBE - COMMITMENT**  
 OCR-0005 (REV 11/2020)

CONTRACT NO. **05-1K6404**

BID AMOUNT \$ **2,959,959.95**

BID OPENING DATE **December 4, 2024**

BIDDER'S NAME **GRANITE CONSTRUCTION COMPANY**

DBE GOAL FROM CONTRACT % **21%**

DBE PRIME CONTRACTOR CERTIFICATION <sup>1</sup>	TOTAL NUMBER OF ALL SUBCONTRACTS (DBE & NON-DBE)	TOTAL VALUE OF ALL SUBCONTRACTS (DBE & NON-DBE)
N/A	11	\$1,082,848

BID ITEM NO.	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED <sup>2</sup>	NAICS OR WORK CATEGORY CODES <sup>3</sup>	NAME OF DBE (Must be certified on the data bids are opened. Include California's certification no., DBE address, and phone number. Show 2nd and lower tier subcontractors.)	AMOUNT (\$)
12	Water Pollution Control Program	C8794,C8852 541620	Appian UDBE SWPPS Cert# 38334 5780 Olinda Road El Sobranite, CA 94803 (510) 854-9402	\$750.00
38(partial)	Sawcut AC	C7602,C9905	Austin Enterprise Cert# 13602 13421 Snow Road Bakersfield, CA 93314	\$12,900.00
11(partial)	Maintenance sweeping	C9609 488490	Junior Sweeping Company Cert# 51264 4327 Margarga Road Stockton, CA 95215 (209) 670-4063	\$9,000.00
23(partial)	Haul dirt/ZZ	C9602,C9604, 484220	E. Amezcua Trucking Cert# 50779 18937 Madison Avenue Castro Valley, CA 94546 (415) 847-7522	\$71,025.00
Various(partial)	Haul various materials (see breakdown on quote)			\$68,755.00

#139,780

Show all DBE firms being claimed 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 agreed to.

The names of the 1st tier DBE subcontractors and items of work must be consistent with the Subcontractor List (Pub Cont Code § 4100 et seq.).

<sup>1</sup>Each DBE prime contractor must enter its certification number and show all work to be performed by DBEs, including work performed by its own forces.

<sup>2</sup>If 100% of an item is not to be performed or furnished by the DBE, describe the exact portion of the item to be performed or furnished.

<sup>3</sup>Use NAICS and/or Work Category Codes from the California Unified Certification Program database.

\* NAICS: North American Industry Classification System.

Total Claimed Participation

Continued on Page 3

The bidder acknowledges that it is committed to use the DBEs shown on this form to meet the contract goal (49 CFR 26.53).

**GRANITE CONSTRUCTION COMPANY**

Signature of Bidder: *[Signature]* John Boies, Chief Estimator

Date: **December 5, 2024** (408) 327-7090

Area Code / Tel. No.

John Boies, Chief Estimator

Person to Contact (Please Type or Print)

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**SEE ATTACHED:**  
 - DBE Confirmations & Copies of Quotes

Contract No. 05-1K6404

# EXHIBIT "A"

3 of 4

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
**DBE - COMMITMENT**  
 OCR-0008 (REV 11/2020)

Page 3 of 3

CONTRACT NO. <b>05-1K6404</b>				
BID AMOUNT <b>\$ 2,959,959.95</b>				
BID OPENING DATE <b>December 4, 2024</b>				
BIDDERS NAME <b>GRANITE CONSTRUCTION COMPANY</b>				
DBE GOAL FROM CONTRACT % <b>21%</b>				
DBE PRIME CONTRACTOR CERTIFICATION <sup>1</sup> <b>N/A</b>		TOTAL NUMBER OF ALL SUBCONTRACTS (DBE & NON-DBE) <b>11</b>		TOTAL VALUE OF ALL SUBCONTRACTS (DBE & NON-DBE) <b>\$1,082,848</b>
BID ITEM NO.	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED <sup>2</sup>	NAICS OR WORK CATEGORY CODES <sup>3</sup>	NAME OF DBEs (Must be certified on the date bids are opened. Include Caltrans' certification no., DBE address, and phone number. Show 2nd and lower tier subcontractors.)	AMOUNT (\$)
35(partial)	Concrete pumping	C3000 238110	<b>K&amp;G Concrete</b> Cert# 38962 1079 Sunrise Avenue #B-353 Roseville, CA 95661 (916) 774-0287	\$2,300.00
64, 65, 66 (all partial)	DBE material supplier for Darrel Varni Electric, Inc. <i>(\$95,000 total @ 60% supplier)</i>	C0686 423610	<b>Cal Signal Corp</b> Cert# 46917 384 Beach Road Burlingame, CA 94010 (650) 343-6100	\$57,000.00
			<b>Total Claimed Participation</b>	<b>\$632,234.00</b> <i>\$596,454.00</i> <b>- 21.02%</b> <i>20.15%</i>
<p>Show all DBE firms being claimed 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 agreed to.</p> <p>The names of the 1st tier DBE subcontractors and items of work must be consistent with the Subcontractor List (Pub Cont Code 5 4100 et seq.).</p> <p><sup>1</sup>Each DBE prime contractor must enter its certification number and show all work to be performed by DBEs, including work performed by its own forces.</p> <p><sup>2</sup>If 100% of an item is not to be performed or furnished by the DBE, describe the exact portion of the item to be performed or furnished.</p> <p><sup>3</sup>Use NAICS and/or Work Category Codes from the California Unified Certification Program database.</p> <p>* NAICS: North American Industry Classification System.</p>			<p>The bidder acknowledges that it is committed to use the DBEs shown on this form to meet the contract goal (as CFR 26.63).</p> <p><b>GRANITE CONSTRUCTION COMPANY</b></p> <p>Signature of Bidder: <i>[Signature]</i> John Boies, Chief Estimator          Date: <b>December 3, 2024</b> (408) 327-7090          (Area Code) TEL No.  <b>John Boies, Chief Estimator</b>          Person to Contact (Please Type or Print)</p>	

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**SEE ATTACHED:**

- DBE Confirmations & Copies of Quotes

Contract No. 05-1K6404

# EXHIBIT "A"

4 of 4

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION

## DBE CONFIRMATION

OCR-5067 (REV 11/2020)

CONTRACT NO.

05-1K6404

NAME OF DBE BUSINESS

E. Amezcua Trucking

NAME OF DBE REPRESENTATIVE

Jessica Amezcua

DBE CERTIFICATION NUMBER

50779

NAME OF BIDDER

Granite Construction Company

NAME OF PRIME CONTRACTOR IF DIFFERENT FROM BIDDER

N/A

NAME OF REPRESENTATIVE OF BIDDER OR CONTRACTOR

Nisha Matekar Ramprasad

DATE

December 5, 2024

Bid Item Number	Item of Work and description of services to be subcontracted or materials to be provided <sup>1</sup>	Amount (\$)
2B(partial)	Haul dirt/ZZ	\$71,025.00
Various(partial)	Haul various materials (see breakdown on quote)	\$68,755.00

<sup>1</sup> If 100% of an item is not to be performed or furnished by the DBE, describe the exact portion of the item to be performed or furnished.

Total

\$139,780.00

As an authorized representative of a certified disadvantaged business enterprise, I confirm that my business was contacted by the bidder or prime contractor shown above regarding the contract shown above. If the bidder is awarded the contract, my business will enter into a contractual agreement with the bidder or prime contractor to perform the type and dollar amount of work shown on the DBE Commitment form.

I certify under penalty of perjury that the foregoing is true and correct.

  
Signature of DBE's Authorized Representative

Jessica Amezcua

Printed name of DBE's Authorized Representative

Vice President

Title of DBE's Authorized Representative

12/8/2024

Date

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Contract No. 05-1K6404

Contract ID: 05-1K6404  
Bidder: Granite Construction Company

CALIFORNIA DEPARTMENT OF TRANSPORTATION

Letting ID: 05-1K6404\_1204  
Bidder ID: VC0000000213

# EXHIBIT "B"

ITEM NUMBER	ITEM CODE	QUANTITY	UNIT OF MEASURE	UNIT PRICE	ITEM TOTAL
BID ITEM LIST 1					
BID ITEM LIST					
0001	070030	1.000	LS	\$1,600.30	\$1,600.30
	LEAD COMPLIANCE PLAN				
0002	090100	75.000	WDAY	\$3,200.00	\$240,000.00
	TIME-RELATED OVERHEAD (WDAY)				
0003	120090	1.000	LS	\$35,500.00	\$35,500.00
	CONSTRUCTION AREA SIGNS				
0004	120100	1.000	LS	\$190,300.00	\$190,300.00
	TRAFFIC CONTROL SYSTEM				
0005	120103	75.000	DAY	\$1,872.70	\$140,452.50
	STATIONARY IMPACT ATTENUATOR VEHICLE				
0006	120165	8.000	EA	\$45.00	\$360.00
	CHANNELIZER (SURFACE MOUNTED)				
0007	120320	180.000	LF	\$65.00	\$11,700.00
	TEMPORARY BARRIER SYSTEM				
0008	128652	1.000	LS	\$17,000.00	\$17,000.00
	PORTABLE CHANGEABLE MESSAGE SIGN (LS)				
0009	129108	1.000	EA	\$4,800.00	\$4,800.00
	TEMPORARY CRASH CUSHION TL-3				
0010	129152	1.000	EA	\$5,800.00	\$5,800.00
	TEMPORARY RADAR SPEED FEEDBACK SIGN SYSTEM				
0011	130100	1.000	LS	\$10,000.00	\$10,000.00
	JOB SITE MANAGEMENT				
0012	130201	1.000	LS	\$750.00	\$750.00
	WATER POLLUTION CONTROL PROGRAM				
0013	130610	240.000	LF	\$8.68	\$2,083.20
	TEMPORARY CHECK DAM				
0014	130620	20.000	EA	\$170.20	\$3,404.00
	TEMPORARY DRAINAGE INLET PROTECTION				
0015	130640	190.000	LF	\$14.89	\$2,829.10
	TEMPORARY FIBER ROLL				
0016	130900	1.000	LS	\$3,500.00	\$3,500.00
	TEMPORARY CONCRETE WASHOUT				
0017	141120	460.000	LB	\$2.50	\$1,150.00
	TREATED WOOD WASTE				
0018	153121	100.000	CY	\$300.00	\$30,000.00
	REMOVE CONCRETE (CY)				
0019	153248	3190.000	SQFT	\$4.00	\$12,760.00
	REMOVE CONCRETE (MISCELLANEOUS) (SQFT)				
0020	160110	1980.000	LF	\$6.50	\$12,870.00
	TEMPORARY HIGH-VISIBILITY FENCE				
0021	170103	1.000	LS	\$7,500.00	\$7,500.00
	CLEARING AND GRUBBING (LS)				
0022	190101	140.000	CY	\$140.00	\$19,600.00
	ROADWAY EXCAVATION				
0023	190105	190.000	CY	\$600.00	\$114,000.00

Check: D9E1234EAB

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# Transaction Record



TRACKING NO.:  
770754617691

SHIP DATE:  
Dec 13, 2024

ESTIMATED SHIPPING CHARGES:  
27.99 USD

## From address

Larry Brandt  
7 CROW CANYON CT  
250  
94583 CA SAN RAMON  
US  
Phone: 9255528253  
LSTLAURENT@SECONTRACTORS.COM

## To address

MSC 43 OFFICE ENGINEER  
Department of Transportation  
1727 30TH ST  
958167005 CA SACRAMENTO  
US  
Phone: 9166546410

## Package information

Pieces	Weight	Dimensions (LxWxH)	Carriage value	Package options
1 x	0.50 lb			n/a
Packaging type: FedEx Envelope		Service: FedEx Priority Overnight		Pickup / drop-off type: I'll drop off my shipment at a FedEx location

## Billing Information

Bill transportation cost to: \*\*\*\*\*660 P.O. No.:  
Bill duties, taxes and fees to: Invoice No.:  
Your reference: BID 05-1K6404 - protest letter Department No.:

**Please note:** This transaction record is neither a statement nor an invoice, and does not confirm shipment tendered to FedEx or payment. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1000, e.g., jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits; Consult the applicable FedEx Service Guide for details. The estimated shipping charge may be different than the actual charges for your shipment. Differences may occur based on actual weight, dimensions, and other factors. Consult the applicable FedEx Service Guide or the FedEx Rate Sheets for details on how shipping charges are calculated.