



January 24, 2025

April Perez-Hollins, Office Chief
Program/Project Management Office Engineer
California Department of Transportation
Division of Engineering Services
Office Engineer
1727 30th Street, MS-43
Sacramento, CA 95816

via email and Facsimile (916) 227-6282

Re: **Contract Number 06-1G8204** (the "Contract")
Subject: **Protest of Archer Civil Construction's Bid**
Bid Opening Date: January 14, 2025

This serves as a formal protest of the bid submitted by Archer Civil Construction (ACC) on the above-referenced Contract, as its bid has multiple defects, which as explained herein provide sufficient grounds for finding the bid nonresponsive.

Granite Construction Company ("Granite") timely submitted a bid to the California Department of Transportation ("Caltrans") for the above-referenced Contract on January 14, 2025. ACC was the apparent low bidder (\$3,782,111.14.17), and Granite was the second low bidder (\$3,839,815.50), therefore, Granite has standing to submit this protest.

ACC's Bid was Non-Responsive, as it Failed to Describe the Subcontracted Work for Bid Item Nos. 4, 13, and 19, as required by Section 2-1.10(4.3).

To be responsive, a bid must be in strict and full accordance with the material terms of the Notice to Bidders. "A basic rule of competitive bidding is that bids must conform to the specifications, and that if a bid does not so conform, it may not be accepted." *Ghilotti Constr. Co. v. City of Richmond* (1996) 45 Cal. App. 4th 897, 904, quotation omitted; see *Great West Contractors, Inc. v. Irvine Unified School Dist.* (2010) 187 Cal. App. 4th 1425, 1456 (which recognized, "literal noncompliance with a bid request...makes a bid nonresponsive.")

ACC's bid was not in strict and full accordance with the material terms of the Notice to Bidders and Standard Specifications, as it failed to describe certain subcontracted work on the Subcontractor List, in accordance with Section 2-1.10(4.3) of the Standard Specifications (2023). For three (3) Bid Items, where ACC showed the subcontracted work as less than 100 percent, ACC failed to include a *description of the work to be performed*:

1. On the Subcontractor List for bid Item No. 4 — Traffic Control, ACC listed the portion of the work subcontracted to Central Striping Service Inc. as 26% with the description, "Traffic Control". (See ACC Bid Book Page 8, Item 6.);
2. On the Subcontractor List for bid Item No. 13 — Partial Depth Recycling, ACC listed the portion of work subcontracted to Graniterock as 64% with the description, "Partial Depth Recycling" (See ACC Bid Book Page 9, Item 11); and

3. On the Subcontractor List for bid Item No. 19 — Hot Mix Asphalt (Type A), ACC listed the portion of the Work subcontracted to Trinity Engineering Laboratories Inc. as 3% with the description “Hot Mix Asphalt (Type A)” (*See ACC Bid Book Page 9, Item 13*).


Section 2-1.10(4.3) of the Standard Specifications (2023) provides that for each subcontractor listed, the Subcontractor List form must show the description of the subcontracted work if the percentage of the bid item listed is less than 100 percent. Providing the Item Description as the description of work, as provided by ACC for the above referenced Bid Items, is not a description of work to be performed and one cannot reasonably determine the work these subcontractors will be performing.

Accordingly, consistent with prior non-responsive decisions issued by Caltrans for defects related to this Section, Caltrans should find ACC’s bid non-responsive for failure to properly complete the Subcontractor List form per Section 2-1.10 of the Standard Specifications (2023). (*See attached, e.g., Caltrans letter dated August 16, 2018 to O.C. Jones & Sons, Inc. re Contract 01-415504 (where Caltrans found description of work of “Same as Bid Item List” to be non-responsive); and Caltrans letter dated August 16, 2018 to Spectrum Construction Group, Inc. re Contract 07-312304 (where Caltrans found description of work of “Same as bid item” to be non-responsive.)*)

For the above reasons, Granite requests that Caltrans finds ACC’s bid to be nonresponsive, reject its bid, and award Contract 06-1G8204 to Granite as the lowest responsive and responsible bid.

Should you have any questions or require additional information, please do not hesitate to contact me at 559-441-5720 or matt.hall@gcinc.com.

Sincerely,
Granite Construction Company



Matt Hall
Chief Estimator

Attachment

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES

1727 30th Street, MS-43
 SACRAMENTO, CA 95816-8041
 PHONE (916) 227-6299
 FAX (916) 227-6282
 www.dot.ca.gov/hq/esc/



*Making Conservation
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August 16, 2018

Facsimile: (949) 502-5542

Bisher Aljazzar, President
 Spectrum Construction Group, Inc.
 32 Edelman
 Irvine, CA 92618

07-312304
 07-LA-14-R25.5/35.0
 B.O. 8/1/18

Dear Mr. Aljazzar:

The Department of Transportation (Caltrans) received a bid submitted by Spectrum Construction Group, Inc. (Spectrum) for the above contract on August 1, 2018. By this letter, Caltrans notifies Spectrum that it failed to properly complete the Subcontractor List form per the 2015 Revised Standard Specifications, Section 2-1.10.

Per the bidding instructions, if the percentage is less than 100 percent, than the bidder must provide a description of the actual work to be performed. Caltrans reviewed Spectrum's Subcontractor List form and found that various subcontractors were listed to perform bid items at percentages less than 100 percent with Caltrans bid item descriptions as the description of work, rather than the actual work to be performed by the subcontractors.

For example, from the table below, Marina Landscape, Inc., is listed to perform 90 percent of bid items 31 and 32, the description of work provided is Caltrans' bid item description, which does not accurately describe the work. As a result, Caltrans is unable to determine the actual work to be performed by your subcontractor(s).

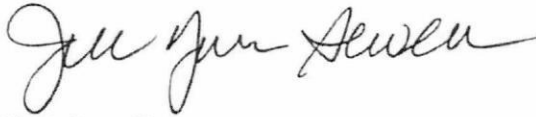
Bid Item#	Percentage listed	Name of Subcontractor	Bid Item List Description	Description of work listed on Subcontractor List
31	90	Marina Landscape, Inc.	Hydroseed	Same as bid item
32	90		Compost	
26	90	Southwest V-Ditch, Inc.	Ditch Excavation	Same as bid item
62	90		Concrete (Ditch Lining)	
35	90	Calmex Engineering Inc.	Hot Mix Asphalt Type A	Same as bid item
36	90		Rubberized Hot Mix Asphalt Top Grade	

Based on the above, Caltrans has determined that the bid submitted by Spectrum is nonresponsive and will proceed to award the contract to the lowest responsive and responsible bidder, provided that all requirements have been met.

Mr. Aljazzar
August 16, 2018
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If you have any questions, please contact Mulissa Smith, Contract Awards Manager, at (916) 227-6228.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jill Y. Sewell".

Jill Y. Sewell
Office Chief
Program/Project Management & Office Engineer
Construction Contract Awards
Division of Engineering Services

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES

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August 16, 2018

Facsimile: (510) 526-0990

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

01-415504
 01-Men-128-0.0/23.8
 B.O. 8/1/2018

Dear Mr. Souder:

The Department of Transportation (Caltrans) received a bid submitted by O.C. Jones & Sons, Inc. (O.C. Jones) for contract no. 01-415504 on August 1, 2018. By this letter, Caltrans notifies O.C. Jones that it failed to properly complete the Subcontractor List form per the 2015 Revised Standard Specifications, Section 2-1.10.

Caltrans reviewed O.C. Jones' Subcontractor List form and found that various subcontractors were listed to perform bid items at percentages less than 100 percent with Caltrans bid item descriptions as the description of work, rather than the actual work to be performed by the subcontractors.

For example, from the table below, O.C. Jones listed T&S DVBE to perform bid item 5, and listed Frank Medina to perform bid item 45; however, failed to provide an accurate description of work, instead described the work to be performed by using Caltrans' bid item descriptions, which did not accurately describe the work. As a result, Caltrans was unable to determine the work being performed by your subcontractor(s).

Bid Item#	Percentage listed	Name of Subcontractor	Bid Item List Description	Description of work listed on Subcontractor List
5	88	T&S DVBE	Traffic Control System	Traffic Control
45	56	Frank Medina	Concrete Barrier Transition	Same as Bid Item List

Based on the above, Caltrans has determined that the bid submitted by O.C. Jones is nonresponsive and 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 Chief, at (916) 227-6228.

Sincerely,

JILL Y. SEWELL
 Office Chief
 Program/Project Management & Office Engineer
 Construction Contract Awards
 Division of Engineering Services