



Via Facsimile & U.S. Postal Service

February 20, 2014

State of California - Department of Transportation
1727 30" Street, Bidder Exchange, MS 43
Sacramento, CA 95816-8041

Attn: Mr. John C. McMillan - Deputy Division Chief, Office Engineer

Re: Contract Number: 04-3E4004
In Napa County From Knoxville Road to Solano County Line
Bid Protest

Dear Mr. McMillan,

Please consider this letter to be a formal protest of the bid submitted by Chester Bross Construction Company (CBC), the apparent low bidder in connection with Contract No. 04-3E4004. Martin Brothers Construction is currently the second lowest bidder. The bid turned in by CBC is nonresponsive and therefore must be rejected based on the Departments bidding requirements and strict enforcement policies.

The bid submitted by CBC on bid day of 2/11/14 includes signed documents and bidders bond executed by Mike Bross on 2/11/14 in Marion County Missouri. The Notary acknowledgement dated 2/11/14 indicated the Mike Bross- Vice President personally appeared before the Missouri notary public on February 11, 2014. Unless evidence can be provided that the original documents were sent from Missouri on 2/11/14 and received in California on 2/11/14 prior to bid, the bid should be rejected and considered non responsive.

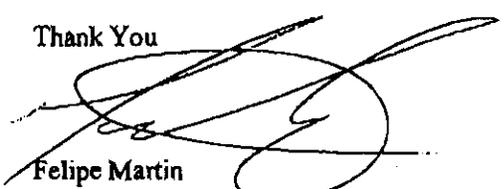
CBC's bid day Subcontractor Listing identified FMG Grinding Company work as " Grinding and Related" without identifying it as partial. On CBC's 24 hour Subcontract Listing submitted the day after bid, CBC reduced FMG's scope of work by listing them for item 14, Remove Asphalt Concrete Dike to 58% and item 15, Cold Plane Asphalt Concrete to 61% .

On numerous occasions including on Contract 03-3E1004, Caltrans has determined a bid nonresponsive for modifying the scope of work of a listed subcontractor on the next day Subcontract List form.

Given all of the above, Caltrans should find CBC's bid as nonresponsive and award Contract 04-3E4004 to Martin Brothers Construction, Inc. the lowest responsible bidder.

Please contact the undersigned, should you have any questions or comments.

Thank You



Felipe Martin
President/CEO



**Martin Brothers
Construction**

License No. 726454

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Sacramento, CA 95826

Office (916) 381-0911
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Facsimile Transmittal Cover Letter

Date: February 20, 2014

Fax: (916)227-6282

Attention: Department of Transportation

Company: Office Engineer

Reference: 04-Nap-128-19.1 / 34.3 Contract No. 04-3E4004 Bid Date: 2.11.14

Urgent For Review Please Comment Please Reply Recycle

Comments:

Please find following Letter of Protest for above referenced project.

Sent Via Fax to (916)227-6282 and US Mail 2.20.14

From: Felipe Martin

Number of Pages (including cover page): 2

Martin Brothers Construction