



**Beador
Construction
Company, Inc.**

06-20-16P02:12 RCVD

June 17, 2016

Department of Transportation
Division of Engineering Services
Office Engineer
1727 30th Street, MS-43
P.O. Box 168041
Sacramento, CA 95816-8041

Attention: Mrs. Jill Y. Sewell
Office Chief

RE: Response to SEMA Contractors bid Protest dated June 17, 2016
CalTrans Contract 07-2849u4

Mrs. Sewell:

In response to the above mentioned protest, Sema Construction Inc. has their facts incorrect. CalTrans did in fact receive the bid bond prior to 2:00 PM on bid day. The previously submitted documentation proved this fact. Moreover, "Beador and Beador alone" did ensure and "take responsibility to make sure its bid security was submitted and accepted by CalTrans on or before the bid opening date and time" as Beador was emailed confirmation the bid bond was received and accepted by CalTrans on bid day at 9:49 AM. What CalTrans did (with the bid bond) after they received the bid bond was not Beador's responsibility.

We request the State reject Sema Construction Inc.'s bid protest. Had the same unfortunate CalTrans administrative error occurred to Sema on bid day, they surely would not accept the bid rejection.

Should you have questions or comments, please feel free to call.

Sincerely,

Beador Construction Company, Inc.

David A. Beador

David A. Beador

President

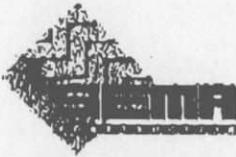
RRF: 07-2849u4 – SEMA Bid Protest

To: Mullasa Smith Page 1 of 15

2018-06-17 23:27:09 (GMT)

18488619885 From: Joshua Clyne

06-20-16P02:12 RCVD



June 17, 2016

Sent Via Facsimile (916) 227-6282

Mullasa Smith, Contracts Award Branch Chief
 Department of Transportation
 Division of Engineering Services
 MS 43 Office Engineer
 1727 - 30th St
 P.O. Box 168041
 Sacramento, CA 95816-8041

Re: Caltrans Contract No. 07-2849U4

Bid Date June 1, 2016 -- BID PROTEST Beador Construction Company, Inc.

Dear Mr. McMillan

SEMA Construction, Inc. (SEMA) was the third monetary bidder on the above referenced contract. As of today, SEMA has been determined by Caltrans to be the second monetary bidder on the above referenced project, with the apparent rejection of United Engineering's bid. Please consider this letter as a formal protest of the bid submitted by Beador Construction Company, Inc. (Beador) for Contract 07-2849U4. Beador failed to submit a bidder's security with their bid and as a material term of the bid documents must be found non-responsive.

Heavy and Highway
 General Contractors

0 Orchard
 Suite 150

Lake Forest
 California
 92651

(949) 470-0500
 Fax (949) 828-0100

As known by documents provided by Beador themselves (exhibit 'A'), their bid bond was not submitted with their bid, nor was their bid bond with their bid at the time of Bid Opening on June 1, 2016 at 2:00PM. Caltrans received and time stamped receipt of Beador's bid bond on June 2, 2016 at 11:25, as posted in Beador's bid book by Caltrans (exhibit 'B')

Per the Notice to Bidders (exhibit 'C') "The Department will receive bids until 2:00 p.m. on the bid open date via Bid Express web site. Bids received after this time will not be accepted (emphasis added). For more information refer to the Electronic Bidding Guide at the Bidders' Exchange web site." Further, "Submit your bid with (emphasis added) bidder's security equal to at least 10 percent of the bid" Beador failed to submit a bidder's security equal to at least 10 percent of its bid with its bid.

To: Melissa Smith Page 2 of 15

2018-06-17 23:27:09 (GMT)

19486618895 From: Joshua Clyne

06-20-16P02:12 RCVD



The requirement to submit a bidder's security with its bid is a material term of the bid documents, failure to materially comply with the bid documents and submit a complete bid package with all required documents must render Bidder's bid non-responsive. Further, Bidder's bid was without a bidder's security at the time of bid opening and should not have been accepted or read at the time to open bids.

Bidder and Bidder alone had the responsibility to make sure its bidder's security was submitted and accepted by Caltrans on or before the bid opening date and time. Per the Electronic Bidding Guide, page 7 (exhibit 'D') *"Bid security must be received by Office Engineer prior to the specified bid opening date and time. Either submit an electronic bid bond with your bid, or submit a paper bid bond to Office Engineer prior to the specified bid opening date and time."* Bidder failed to submit a bidder's security with their bid at the date and time of the bid opening, a material term of the bid documents. Then they attempt to cover up their own irresponsibility by blaming Caltrans. Bidder had days if not weeks to submit their bidder's security and failed at timely submitting the mandatory documents to Caltrans as specified.

Any contractor's irresponsible failure to timely submit a bidder's security with their bid and have said bid accepted creates a potential for wrongdoing and an un-fair advantage. A bid opened and read without a bidder's security could and would allow bidder's to submit and withdraw bids without consequence. If contractors are allowed to cure material document deficiencies following bid submissions it would create an environment ripe for potential wrong doing and corruption.

As the lowest responsive responsible bidder SEMA Construction, Inc. stands ready to perform the contract.

For any questions, please call (949) 470-0500 at your convenience.

Respectfully,

Joshua P. Clyne
Senior Vice President

**Heavy and Highway
General Contractors**

2 Orchard
Suite 150

Lake Forest
California
92630

(949) 470-0500
Fax: (949) 829-0100



**Beador
Construction
Company, Inc.**

06-20-16P02:12 RCVD

June 6, 2016

Department of Transportation
Division of Engineering Services
Office Engineer
1727 30th Street, MS-43
P.O. Box 168041
Sacramento, CA 95816-8041

Attention: Mrs. Jill Y. Sewell
Office Chief

RE: Bid Protest – Non-responsive finding
CalTrans Contract 07-2849u4

Mrs. Sewell:

Beador Construction Company Inc. hereby protests the finding of our above mention contract bid proposal non-responsive. Presumably, the Department found our bid non-responsive due to the bid bond not being at the Departments office prior to bid time. The attached correspondence and delivery receipts prove otherwise. The Department received our bid bond on bid day (June 1st) at 9:49 AM (See exhibit 1 & 1A attached). L. Parra signed for the overnight package (signature attached). The Department then apparently put my package (containing the bid bond) in the outgoing GSO and it was sent out that day and redelivered to your office the next day and signed again by L. Parra at 9:44 AM. (Exhibit 2 & 2A). The Department can verify it was the same package as the tracking number is the same for both deliveries (532090800). You cannot have the same tracking number for two separate deliveries thus verifying it was the same package. An explanation email is also attached from GSO explain what had happened and verifying the Department's error (Exhibit 3).

We request the Department immediately reinstate our bid proposal due to the above mentioned Departments error.

Should you have questions or comments, please feel free to call.

Sincerely,

Beador Construction Company, Inc.

*David A. Beador*David A. Beador
President

REF: 07-2849u4 – Bid Protest

EXHIBIT 1

06/20/2016 MON 12:52 FAX

David A. Beador

From: donotreply@gso.com on behalf of GSO [donotreply@gso.com]
Sent: Wednesday, June 01, 2016 9:51 AM
To: dabeador@beador.com
Subject: GSO Shipment Delivery Notification - 632080600

DELIVERY NOTIFICATION:

Tracking Number: 532958868 *

Ship Date: 5/31/2016

Ship From: David Beador, BEADOR CONSTRUCTION COMPANY, INC.

Ship To: Bidders Exchange, MS 26, CALIFORNIA DEPARTMENT OF TRANSPORTATION
1727 38th Street, Bidders Exchange MS 26
Sacramento CA 95816

Delivered At: 6/1/2016 9:49 AM *

Signed By: L.Parra

SENDER COMMENTS:

Please use the following link to track the status of this shipment online:

<http://www.gso.com/deliveryinfo/request.aspx?x=4uDTD3s0mGUISubial7zKdAE7KusfBLX2h72ihVvYMMGpCtvISXbpkKe3NBvht6cXZfT94dLR1bJsuHNT45vUebsGuq@ISMwFrgeX2fMraK40EEXn8mUYX2be0G7HFZFBt7hzo>

Please DO NOT REPLY TO THIS MESSAGE. For general inquiries, contact GSO customer service at 1-800-322-5555.

Visit us at: <http://www.gso.com>

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0005/010

Package Details

EXHIBIT 1A



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From Zip Code:

To Zip Code:

Drop Box Locator

Zip Code:

View Transit Maps

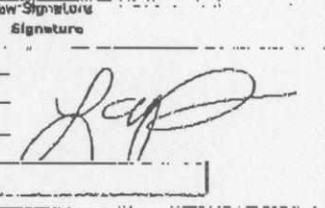
Zip Code:



Shipment Tracking Results

Shipment Details

Ship To Name: CALIFORNIA DEPARTMENT OF TRANSPORTATION
 Ship To Location: Sacramento, CALIFORNIA
 Delivery Status: DELIVERED Tracking Number: 532090800
 Ship Date: 5/31/2016 Reference:
 Delivery Date: 6/1/2016 Service: NPS
 Delivery Time: 9:49 AM Signed For By: L. Parra



Transit Notes

Date/Time	Note
05/31/16 09:57 PM	ARRIVAL SCAN - DELIVERY SCHED FOR 06/01/2016
06/01/16 07:50 AM	ON ROUTE FOR DELIVERY
06/01/16 09:49 AM	SHIPMENT DELIVERED

BACK

EXHIBIT 2

06/20/2016 MON 12:52 FAX 06-20-16P02:12 RCVD 0007/010

David A. Beador

From: donotreply@gso.com on behalf of GSO (donotreply@gso.com)
Sent: Thursday, June 02, 2016 9:46 AM
To: dabeador@beador.com
Subject: GSO Shipment Delivery Notification - 532090800

DELIVERY NOTIFICATION:

Tracking Number: 532090800

Ship Date: 6/1/2016

Ship From: David Beador, BEADOR CONSTRUCTION COMPANY, INC.

Ship To: Bidders Exchange, MS 26, CALIFORNIA DEPARTMENT OF TRANSPORTATION
1727 30th Street, Bidders Exchange MS 26
Sacramento CA 95816

Delivered At: 6/2/2016 9:44 AM

Signed By: L. Parra

SENDER COMMENTS:

Please use the following link to track the status of this shipment online:

<http://www.gso.com/deliverinforequest.aspx?x=4107D3sOmSUIxub1a17zkdAE7Kusf8LX2b72jhVvYVWwGpCtvISMb0kKe3M8vHkT6c%2fY94dR1bJsuHNT45vUebsGuq0ISNuFrgaX2fMraK40EEXn8aUY72beQG7HFZF3t7h2p>

Please DO NOT REPLY TO THIS MESSAGE. For general inquiries, contact GSO customer service at 1-800-322-5555.

Visit us at: <http://www.gso.com>

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Package Details

EXHIBIT ZA



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Track Shipment

Input field for tracking number with a GO button

Delivery Rates & Times

Form for From Zip Code and To Zip Code with GO buttons

Drop Box Locator

Form for Zip Code with GO button

View Transit Maps

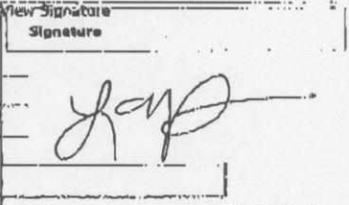
Form for Zip Code with GO button



Shipment Tracking Results

Shipment Details

Ship To Name: CALIFORNIA DEPARTMENT OF TRANSPORTATION
 Ship To Location: Sacramento, CALIFORNIA
 Delivery Status: DELIVERED Tracking Number: 532090800
 Ship Date: 6/1/2016 Reference:
 Delivery Date: 6/2/2016 Service: NPS
 Delivery Time: 9:44 AM Signed For By: L Parra



Transit Notes

Date/Time	Note
06/02/16 07:05 AM	ARRIVAL SCAN - DELIVERY SCHED FOR 06/02/2016
06/02/16 07:53 AM	ON ROUTE FOR DELIVERY
06/02/16 09:44 AM	SHIPMENT DELIVERED

BACK

06-20-16P02:12 RCVD

David A. Beador

From: Customerservice [customerservice@gso.com]
Sent: Thursday, June 02, 2016 6:16 PM
To: 'dabeador@beador.com'
Subject: California Department of Transportation, Tracking Number 532090800

Good Evening,

In regards to the duplicate tracking numbers and proof of deliveries you received 6/1 and 6/2.

I wanted to provide you with the information that was received while investigating this situation. We were advised by our distribution center indeed it was only one package sent out from your account and the reason for the duplicate tracking numbers was driver delivered originally on 6/1 at 9:49am signed by L. Parra and somehow this shipment was placed in the daily pick up pile at this location as we pick up for this company on a daily basis. This shipment went back to our warehouse was scanned back out for delivery the next day 6/3 and signed by the same recipient L. Parra at 9:44am.



I apologize for the confusion this has caused but glad everything has been cleared up.

If you need further assistance feel free to contact us,

Thank You,



Aide Reyes
Customer Service Representative
Golden State Overnight
Phone: 800-322-5555
Fax: 916-636-5101
Customerservice@gso.com

Tracking Results

06-20-16P02:12 RCVD



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From Zip Code:
To Zip Code:

Drop Box Locator

Zip Code:

View Transit Maps

Zip Code:



Shipment Search Results

Ship Date	Company Delivered To	Status
05/31/16	David Beador - CALIFORNIA DEPARTMENT OF TRANSPORTATION	DELIVERED
06/01/16	David Beador - CALIFORNIA DEPARTMENT OF TRANSPORTATION	DELIVERED

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[BACK TO TRACKING](#)