



May 16, 2022

Mr. Rodney Jenny  
Executive Vice President  
Granite Rock Company  
5225 Hellyer Avenue, Suite 220  
San Jose, CA 95138

Subject: **Calabazas Creek Rehabilitation Project**  
Project No. 62084001 Contract No. C0683  
Cancellation of Scheduled Notice of Award

Dear Mr. Jenny:

This letter serves as a cancellation of the Scheduled Notice of Award letter to Granite Rock Company for the C0683 Calabazas Creek Rehabilitation Project dated May 10, 2022.

**Waiver of Minor Irregularity.** After further evaluation, Valley Water staff has concluded that its receipt of Granite Construction Company's Bidder's Bond after the Bid Proposal Submission deadline as stated in the Notice to Bidders may be waived as a minor irregularity. Staff will recommend the Board of Directors determine such late receipt may be waived and award the construction contract to Granite Construction Company.

The Notice to Bidders required delivery of the original Bidder's Bond either by Third Party Carrier to Valley Water at 5905 Winfield Boulevard, San Jose, California 95123-2428 or by Hand Delivery to Valley Water's Administration Building located at 5750 Almaden Expressway, San Jose, CA 95118.

On behalf of Granite Construction Company, an unsuccessful delivery attempt was made by FedEx to deliver a package containing its original Bidder's Bond at 12:44 p.m., before the Bid Proposal Submission deadline. Due to the inadvertent closure of the address designated for Third Party Carrier delivery from noon to 1 p.m. that day, FedEx was unable to deliver the package prior to the Bid Proposal Submission deadline. The FedEx package was successfully delivered that same day, May 4, 2022, at 4:46 p.m.

Valley Water's required Third Party Carrier delivery address closure was beyond the control of Granite Construction Company and documentation has been received directly from FedEx verifying the factual information recounted above. Therefore, Valley Water has cancelled its previously issued Scheduled Notice of Award letter dated May 10, 2022.

**Recommendation for Construction Contract Award.** Staff will recommend the Board of Directors waive late receipt of Granite Construction Company's Bidder's Bond as a minor irregularity and award a construction contract for the Project to Granite Construction Company. This item is currently scheduled for these actions by the Board at its regularly scheduled meeting on May 24, 2022, commencing at 1 pm.

**Bid Protest Period Restarted.** Pursuant to Section 20. Bid Protest, subsection B., the protest must be received by Valley Water before 5 p.m. on the third business day following the Bid opening. Due to staff's revised recommendation as explained in this correspondence, the Bid Protest period is restarted and will expire on Thursday, May 19, 2022, at 5 p.m. By copy of this correspondence, all Bidders are informed of this restarted Bid Protest period.



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Valley Water sincerely apologizes for any inconvenience staff's revised recommendation may have caused Granite Rock Company and we hope your company remains interested in participating in Valley Water's future public works project.

If you have any questions regarding this, please contact me at [dmontenegro@valleywater.org](mailto:dmontenegro@valleywater.org) or Linn Latt at [llatt@valleywater.org](mailto:llatt@valleywater.org).

Thank you for your interest in doing business with Santa Clara Valley Water District.

Sincerely,

DocuSigned by:  
  
5BA2A06A6C5F4AE...  
David Montenegro  
Principal Construction Contracts Administrator  
Construction Contracts Support Unit  
General Services Division

Sent Via Email: [rjenny@graniterock.com](mailto:rjenny@graniterock.com), [afurman@graniterock.com](mailto:afurman@graniterock.com), [rbonino@graniterock.com](mailto:rbonino@graniterock.com)

cc: [John.Boies@gcinc.com](mailto:John.Boies@gcinc.com) (Granite Construction); [leej@tbcorp.com](mailto:leej@tbcorp.com) (Thompson Builders)

DM:LL