



May 16, 2022

Mr. John Boies, P.E., Chief Estimator
Granite Construction Company.
715 Comstock Street
Santa Clara, CA 95054

Subject: **Calabazas Creek Rehabilitation Project**
Project No. 62084001, Contract No. C0683
Response to Bid Protest of Notice of Intent to Award to Granite Rock Company

Dear Mr. Boies:

This correspondence is in response to Granite Construction Company's above referenced letter dated May 11, 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 to Granite Rock Company 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., a protest must be received by Valley Water before 5PM 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 PM. By copy of this correspondence, all Bidders are informed of this restarted Bid Protest period.

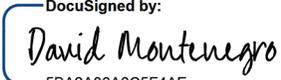


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If you have questions regarding this matter, please send an e-mail at scvwdplanroom@valleywater.org, David Montenegro at dmontenegro@valleywater.org, or Linn Latt at llatt@valleywater.org.

Sincerely,

DocuSigned by:



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

Sent Via Email: John.Boies@gcinc.com; Teresa.Rothney@gcinc.com

cc: rjenny@graniterock.com (Granite Rock Construction); leej@tbcorp.com (Thompson Builders)

DM:LL