



January 12, 2026

Jose Mederos Baltazar – Assistant Engineer  
 City of Santa Rosa  
 69 Stony Circle  
 Santa Rosa, CA 95401  
 e-mail: [jmederos@srcity.org](mailto:jmederos@srcity.org)

Re: **Route 101 Bicycle and Pedestrian Overcrossing**  
**Contract No. C00769**  
 Bid Protest

Dear Mr. Mederos Baltazar,

On Thursday, January 8<sup>th</sup>, 2026, Ghilotti Construction Company, Inc. bid the above referenced project and at the time of bid was the apparent 2<sup>nd</sup> low bidder. This letter serves as a protest of the bid submitted by the apparent low bidder – Gordon N. Ball, Inc. (Ball).

The City must reject Ball's bid as non-responsive because it failed to submit the required Equal Employment Opportunity Certification's.

Addendum No. 1 for the project required the bidding contractor to submit Equal Employment Opportunity Certifications for each of its subcontractors, per the language below:

4. Within "Instruction to Bidders," Page 11, add:

**23. Federal Trainee Program.** This Project is subject to the Federal Trainee Program requirements set forth in Section 14 of Exhibit 12-G: REQUIRED FEDERAL-AID CONTRACT LANGUAGE.

**24. Equal Employment Opportunity Certification.** Contractor must complete, and require each proposed subcontractor to complete, the Equal Employment Opportunity Certification, attached hereto within Attachment A, and must submit the completed Attachment A certifications at time of bid.

Failing to include these completed forms at the time of bid renders Ball's bid non-responsive:

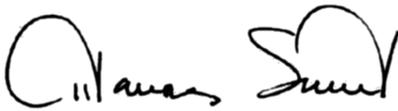
- 1) Ball did not comply with the requirements of the specifications and therefore has a mistake in its bid.
- 2) Due to its mistake in bid, Ball can now request relief of its bid, a remedy other bidder's do not possess. Ball now enjoys the advantage of "two bites at the apple":
  - a. Post bid and after having reviewed the bid results Ball can claim a mistake in bid and request relief of bid.

- b. Post bid and after having reviewed the bid results Ball can decide to keep its bid. No other bidder enjoys this advantage – making its mistake a material error. Regardless of whether Ball avails itself of the bid relief, it still has the option.
- 3) Additionally, other bidders complying with the requirement to submit the EEOC documents at the time of bid needed time to collect from its subcontractors and transmit that information to the bid runners at the bid location. This gave Ball the advantage of additional time in the bid closing process – time other bidders did not possess.

The City must reject Ball's bid as non-responsive as a result of its failure to comply with project Addendum No.1.

Based on the requirements cited above, Ghilotti Construction Company, Inc. protests award of this contract to Ball and requests that the City reject its bid as non-responsive.

Thank you for considering this matter.



Thomas Smith  
Vice President – Estimating  
Ghilotti Construction Company, Inc.  
246 Ghilotti Avenue  
Santa Rosa, CA 95407  
e-mail: tom@ghilotti.com  
(707) 484-8292

Cc: Gordon N. Ball, Inc.  
[estimating@ballconco.com](mailto:estimating@ballconco.com)

## Laura Hidalgo

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**From:** Mail Delivery System <MAILER-DAEMON@dispatch1-us1.ppe-hosted.com>  
**To:** estimating@ballconco.com  
**Sent:** Monday, January 12, 2026 3:04 PM  
**Subject:** Relayed: City of Santa Rosa - Route 101 Bicycle & Pedestrian Overcrossing - Bid Protest

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The mail system

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ba8d8bae.21.ik2.com[66.228.130.220]:25: 250 Ok

## Laura Hidalgo

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**From:** Laura Hidalgo  
**Sent:** Monday, January 12, 2026 3:04 PM  
**To:** 'estimating@ballconco.com'  
**Subject:** City of Santa Rosa - Route 101 Bicycle & Pedestrian Overcrossing - Bid Protest  
**Attachments:** City of Santa Rosa - Route 101 Bicycle & Ped Xing Protest Letter.pdf

Please see the attached.



### Laura Hidalgo

#### Director of Preconstruction Administration

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