

J. MCLOUGHLIN ENGINEERING CO.

10641 Fulton Court
Rancho Cucamonga, CA 91730
Phone: 909/944-1037 Fax: 909/944-3112

May 3, 2013

John McMillan, Deputy Division Chief
Mullisa Smith, Contract Branch Chief
Division of Engineering Services
Office Engineer, MS 43
1727 30th Street
P.O. Box 168041
Sacramento, CA 95816-8041

Subject: Response to Western Structures Protest of 09-352904 DVBE form.

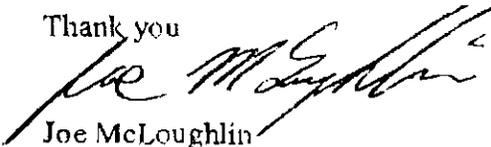
Dear Caltrans and Western Structures,

This letter is a formal response to Western Structures Bid Protest, to address this issue of meeting the requirements of Note 2 on the CERTIFIED DVBE SUMMARY by listing Carolino for 40.8 percent of the Traffic Control Item. Our DVBE Subcontractor will be supplying equipment and manpower for at least 14 shifts of Traffic Control on the above listed project. This information was shown in the attachment that was submitted with the CERTIFIED DVBE SUMMARY; therefore we have fulfilled the requirement of Note 2. The exact part of the work is 40.8% of Item 3 and the planned location is Caltrans Project 09-352904 with at least 14 freeway closures of one lane, one direction, two man crew, one mile with 150 cones, 1 arrow board, 3AWS, and 1 beacon as stated in their proposal. The rest of the planned closures for the project are city street closures and flagging on a two lane road, this work will be performed by J. McLoughlin Engineering. Western Structures is reaching deep into the precise meaning of the word "exact" in Note 2 of the CERTIFIED DVBE SUMMARY.

To this date this has been the accepted practice on the CERTIFIED DVBE SUMMARY forms. Attached are 3 CERTIFIED DVBE SUMMARYS for Projects that have been awarded to a NON DVBE firm. At the time of award these summaries did not state the "Exact Part or Planned Location of work to be performed" and yet they still awarded to the Contractor.

Caltrans needs to return to streamlining the bid process by rejecting the frivolous protests sent in by the non-low bid Contractor as an effort to acquire the project.

Thank you


Joe McLoughlin
President

THIRD - IN BOOK

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
CERTIFIED DVBE SUMMARY
 DES-DE-0102.5 (REV 3/2008)

THIRD BIDDER

DISTRICT-COUNTY-ROUTE: 07 - LA - 2,110,134-VAR
 CONTRACT NO: 07-4Y9104
 TOTAL BID: 794,294.50
 BID OPENING DATE: 2-2-2012
 BIDDERS NAME: WEST COAST STRUCTURES, INC. aka WESTERN STRUCTURES
 DVBE PRIME CONTRACTOR CERTIFICATION:

Bid Item Number	Description of Work to Be Subcontracted to DVBE or Materials to Be Supplied by DVBE *	For Caltrans Only	DVBE (Name, Telephone No., and Certification No.)	\$ Amount
5, 10, 11, 12, 13, 16, 17, 20, 25	EQUIPMENT RENTAL		D+B EQUIP - MENT & SUPPLIES 661-307-3002 # 56727	43,000.00

Names of first tier DVBE subcontractors and their items of work listed must be consistent with the names and items of work in the Subcontractor List (Pub Cont Code § 4100 et seq.) submitted with the bid. Identify second and lower tier subcontractors on this form.

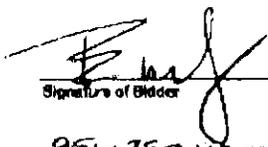
Total Claimed Participation	\$ 43,000.00 5.4 %
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1. DVBE prime contractors must enter their DVBE reference number or their DBA name as listed with Department of General Services (DVBE prime contractors are credited with 100 percent DVBE participation and need not complete this above table).

2. If 100% of an item is not performed or supplied by the DVBEs, describe the exact part, including the planned location of work (to be performed, or item to be performed or supplied by DVBE).

Submit to:

MSC 43
 OFFICE ENGINEER
 DEPARTMENT OF TRANSPORTATION
 1727 30TH STREET
 SACRAMENTO, CA 95816-7005


 Signature of Bidder 2-2-2012
Date
 951-3524300
 (Area Code) Telephone Number
 BRIAN M. STASEM
 Contact Person (Type or Print)

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STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
CERTIFIED DVBE SUMMARY
DES-OE-0102.5 (REV 3/2008)

Low bidder in bid book
Low Bidder

DISTRICT-COUNTY-ROUTE: 07 - LA - 1-26.9

CONTRACT NO.: 07-261104

TOTAL BID: 642,000

BID OPENING DATE: 7-14-11

BIDDER'S NAME: WEST COAST STRUCTURES INC. aka WESTERN STRUCTURES

DVBE PRIME CONTRACTOR CERTIFICATION

Bid Item Number	Description of Work to Be Subcontracted to DVBE or Materials to Be Supplied by DVBE ¹	For Caltrans Only	DVBE (Name, Telephone No., and Certification No.)	\$ Amount
32 (PARTIAL)	COLUMN CASING		F. C. CAMPBELL CO. 510-234-3012 CERT # 106	95,000. ⁰⁰

Names of first tier DVBE subcontractors and their items of work listed must be consistent with the names and items of work in the Subcontractor List (Pub Cont Code § 4100 et seq.) submitted with the bid. Identify second and lower tier subcontractors on this form.

Total Claimed Participation	\$ <u>95,000.⁰⁰</u> <u>14.8</u> %
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2. If 100% of an item is not performed or supplied by the DVBEs, describe the exact part, including the planned location of work to be performed, of item to be performed or supplied by DVBE.

Submit to:

MSC 43
OFFICE ENGINEER
DEPARTMENT OF TRANSPORTATION
1727 30TH STREET
SACRAMENTO, CA 95816-7005

B. M. Skarson 7-14-11
Signature of Bidder Date

951-352-4300
(Area Code) Telephone Number

BRIAN M. SKARSON
Contact Person (Type or Print)

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LOW
Second Bidder

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
CERTIFIED DVBE SUMMARY
DES-OE-0102.6 (REV 3/2009)

DISTRICT-COUNTY-ROUTE: 11-SD - 5, 15, 73 - VAR

CONTRACT NO.: 11-2M1304

TOTAL BID: 370,840.43

BID OPENING DATE: 4-28-11

BIDDER'S NAME: PORT CAST STRUCTURES, INC., dba, DESIGN STRUCTURES

DVBE PRIME CONTRACTOR CERTIFICATION: _____

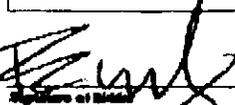
Bid Item Number	Description of Work to be Subcontracted to DVBE or Materials to be Supplied by DVBE *	For Contractors Only	DVBE (Name, Telephone No., and Certification No.)	\$ Amount
#24	SUPPLY METHACRYLATE		RAP DISTRIBUTORS 725-224-8117 1511980	19,098.28

Names of first tier DVBE subcontractors and their items of work listed must be consistent with the names and items of work in the Subcontractor List (Pub Cont Code § 4100 et seq.) submitted with the bid. Identify second and lower tier subcontractors on this form.

Total Claimed Participation \$ 19,098.28
5.15 %

1. DVBE prime contractors must enter their DVBE reference number or their DBA name as listed with Department of General Services (DVBE prime contractors are required with 100 percent DVBE participation and need not complete the above table).

2. If 100% of an item is not performed or supplied by the DVBE, describe the exact part, including the plant and location of work to be performed, of item to be performed or supplied by DVBE.


Signature of Bidder
4-27-11
Date
951-362-1300
(Area Code) Telephone Number

Submit to:

MSC 43
OFFICE ENGINEER
DEPARTMENT OF TRANSPORTATION
1727 30TH STREET
SACRAMENTO, CA 95818-7005

BRIAN M. SAXON
Contract Person (Type or Print)

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DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 30th STREET
P. O. BOX 168041
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6300
FAX (916) 227-6282
TTY 711



*Flex your power!
Be energy efficient!*

May 2, 2013

Facsimile: (909) 944-3112

Joe McLoughlin, President
J. McLoughlin Engineering
10641 Fulton Court
Rancho Cucamonga, CA 91730

09-352904
09-Ker, Iry-58, 190, 395-Var
B.O. 04/10/2013

Dear Mr. McLoughlin:

The Department of Transportation (Caltrans) received the attached letter dated April 23, 2013, from Western Structures, protesting the Disabled Veteran Business Enterprise (DVBE) Summary form submitted by J. McLoughlin Engineering Company (McLoughlin). The protest alleges that McLoughlin listed Carolino Traffic Control (Carolino) to perform 40.8 percent of bid item 3 and did not describe the exact part, or the planned location of the work to be performed by Carolino. Western Structures request Caltrans find the bid submitted by McLoughlin nonresponsive.

Please provide your response to Western Structures and Caltrans no later than May 6, 2013.

If you have any questions, please contact Mulissa Smith, Contract Awards Branch Manager, at (916) 227-6228.

Sincerely,

A handwritten signature in black ink, appearing to read "John C. McMILLAN".

Per JOHN C. McMILLAN
Deputy Division Chief
Office Engineer
Division of Engineering Services

Attachment
Protest Western Structures