

**DEPARTMENT OF TRANSPORTATION**

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER

P.O. BOX 168041, MS-43

SACRAMENTO, CA 95816-8041

PHONE (916) 227-6299

FAX (916) 227-6282

TTY 711

www.dot.ca.gov

*Serious drought.  
Help save water!*

June 12, 2014

Facsimile: (916) 253-7399

Roger Cook, Owner  
Roger Cook Construction  
2206 Wild Plains Circle  
Rocklin, CA 95765

03-4M2604  
03-Sie-89-26.6/29.5  
B.O. 04/23/2014

Dear Mr. Cook:

The Department of Transportation (Caltrans) received the attached letter dated May 3, 2014, from Dreambuilder protesting the bid submitted by Roger Cook Construction (Cook) on contract number 03-4M2604. The protest alleges that Cook (1) on bid day submitted its Subcontractors List form omitting a description of work for Bid Item 13 (Cleaning, Inspecting and Preparing Culvert), and (2) on bid day provided a percentage of work for Bid Item 12 (Alternative Pipeliner – 24') as 28 percent and on its 24 hour submittal revised the percentage to 27 percent. Lastly, (3) alleges that no quotes were provided from a Disabled Veteran Business Enterprise (DVBE) subcontractor to support that the DVBE goal was met. In addition, also added (4) Western Traffic Supply was added to perform work described as Bid Item 2 and 3 (Traffic Control System, Portable Changeable Message Sign, LS). Dreambuilder requests Caltrans find Cook nonresponsive and award the contract to Dreambuilder.

Caltrans reviewed the bid documents submitted by Cook and concludes that (1) Cook on Bid Day provided a description of work as CIPP (Cured in Place Pipe liner) and listed this same description on its 24 hour Subcontractor List form and did accurately list the components of that work. In addition (2), the bidding instructions do not require the contractor to provide a percentage of the Bid Item subcontracted. Therefore, Caltrans accepted the percentage as noted on the 24 hour submittal.

(3) The Office of Business and Economic Opportunity's, Contract Evaluation Branch (CEB), evaluated the DVBE submittal and confirmed that upon request, Cook did provide a quote for its claimed DVBE participation.

(4) With respect to Bid Items 2 and 3, the bid documents are evaluated in totality. While Cook submitted a Disadvantaged Business Enterprise (DBE) Commitment form, that form was not a requirement of this contract, since it is used for federal aid contracts. However, Caltrans did review the supporting documents. Accordingly, Western Traffic Supply (Western) was listed

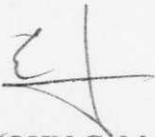
Mr. R. Cook  
June 12, 2014  
Page 2

to perform work described as sign boards, signs and flagging. The claimed participation amount for this subcontractor was \$30,000.00. The instructions for the Subcontractor List form states *"The bidder must identify each subcontractor performing work in an amount in excess of 1/2 of 1 percent of the total bid or \$10,000, whichever is greater"*. Since Western is performing work outside of supplying equipment, those services described as flagging, are considered subcontracted work, and thus Cook should have listed this subcontractor on its Subcontractors List form. As such, the omission of this item rendered the bid submitted by Cook nonresponsive.

Based on the above, Caltrans and will proceed to award this contract to lowest responsive and responsible bidder, provided that all requirements have been met.

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

Sincerely,



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

Attachment

## Dreambuilder

1361 E. Lawson Ln, Placentia, Ca 92870  
Ph (714) 646-3697, fax (714) 646-3698

Civil Engineering Construction

### Bid Protest Letter # 1

Department of Transportation  
Office Engineer MS 43  
1727 30<sup>th</sup> Street, Sacramento, Ca 95816  
Ph: 916-227-6280 Fax: 916-227-6282  
Attn: Office Engineer

Date: 5/3/2014

**Sub: Bid protest for Caltrans Contract # 03-4M2604**  
**Bid open on 4/23/2014 @ 2:00PM in Sacramento**  
Reference: Caltrans bid proposal for Contract # 03-4M2604

Dear Sir / Madam,

We bid this project and we were 2th bidder on this project. We are filing fomal bid protest. After reviewing subcontract listing submitted by Roger Cook Construction Inc., we have following comments and bid protest:

1. At the of bid, Roger Cook Construction listed Michelson Corp for item # 13 & 14, but they have not listed for work description, but they revised after bid in subcontractor list.
2. They also revised bid % for item # 12 from 28% to 27%
3. They also added another subcontractor after bid, Western Traffic Supply for Item # 2&3
4. Also they have not submitted DVBE List Form with quote confirmation from listed DVBE

Subcontractor list states: Complete Coloum 1 & 4 and submit with the bid. Complete Colume 2 & 3 and submit with bid or fax to 916-227-6282 within 24hrs after bid opening. No other revisions are permitted after bid opening in column in 1 & 4, otherwise bid will be considered as non responsive bid.

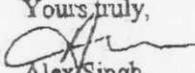
Therefore, Roger Cook Construction Inc's bid should be considered non responsive bid due to following reasons:

1. Revision in subcontracting list in column # 1-4 after bid.
2. And incomplete submittal for subcontractor form at time of bid for item # 13 & 14

Since, Roger Cook Construction did revision as well as no work description listed for items 13 & 14 in subcontractor List at time of bid opening, their bid should be considered as non responsive bid and bid should be awarded to Dreambuilder.

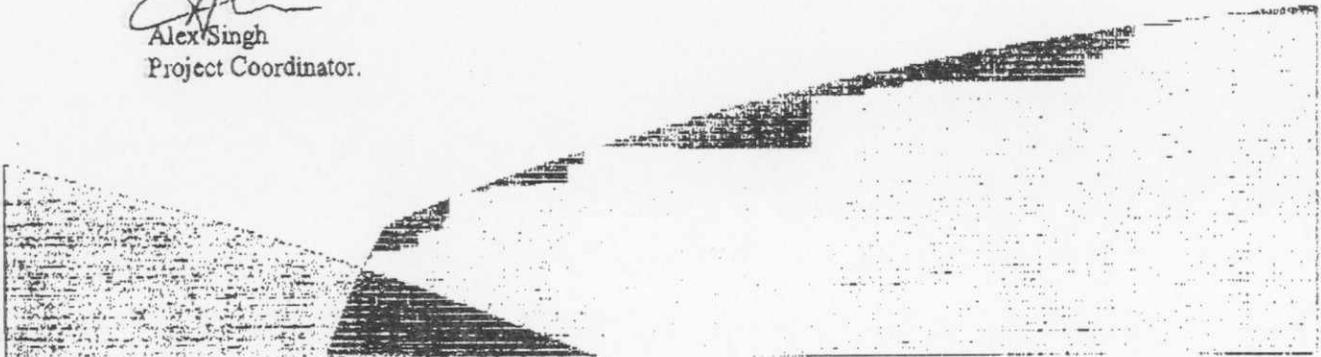
Thank you for your consideration.

Yours truly,



Alex Singh

Project Coordinator.



06-24-14 P02:52 RCVD

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
**SUBCONTRACTOR LIST**  
DES-OE-0102.2 (REV 3/2011)

03-4M2604 Bidder Name: Roger Cook Const.

The bidder must identify each subcontractor performing work in an amount in excess of 1/2 of 1 percent of the total bid or \$10,000, whichever is greater (Pub Cont Code § 4100 et seq.). Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916) 227-6282 within 24 hours after the bid opening. Failure to provide complete information in columns 1 through 4 within the time specified will result in a nonresponsive bid.

Column 1: Business Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
1. Verux, Sacramento	5	53%	storm water plan
2. Michels Corp. Salem OR.	11	87%	18" liner clean & inspect <u>missing</u> 24" <u>grout</u> liner change after bid.
	13	85%	
	14	94%	
3. Geo-Cell Solutions FRESNO CA.	12	<u>27%</u>	
4. Western Traffic Supply Pleasanton CA.	2,3	<u>changed after bid</u>	Traffic Control Sign Boards  ↑ added after bid.

STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION  
BID BOOK

Contract No.: 03-4M2604

Project ID: 0300020466

Bidder: VC1400003702 - Roger Cook Construction

SUBCONTRACTOR LIST

The bidder must identify each subcontractor performing work in an amount in excess of 1/2 of 1 percent of the total bid or \$10,000, whichever is greater (Pub Cont Code 4100 et seq.). Complete business name, location, and description of subcontracted work and submit with the bid. Complete bid item numbers and percentage of bid item subcontracted and submit with the bid, or fax to (916)227-6282 within 24 hours after the bid opening. Failure to provide complete information in all areas within the time specified will result in a nonresponsive bid.

List this sub? Yes

1) Business Name:Michels Corp  
City:Salem State:OR

Description of Subcontracted Work:

CIPP lining (No description work added for Item #13)

Bid Item Numbers:

11

Percentages of Bid item Subcontracted:

87%

Bid Item Numbers:

13

Percentages of Bid item Subcontracted:

85%

Bid Item Numbers:

14

Percentages of Bid item Subcontracted:

94%

Bid Item Numbers:

Percentages of Bid item Subcontracted:

Bid Item Numbers:

Percentages of Bid item Subcontracted:

List this sub? Yes

2) Business Name:Geo-cell Solutions Inc  
City:Fresno State:CA

Description of Subcontracted Work:

Group liner

Bid Item Numbers:

12

Percentages of Bid item Subcontracted:

28%

Bid Item Numbers:

Percentages of Bid item Subcontracted:

Bid Item Numbers:

Revised in 24 Hr listing.

Listed at time of bid 28%  
but changed to 27% at time  
of 24 hrs submittal of  
subcontracto list.

**Silvas, Denise M@DOT**

---

**To:** cook\_roger@att.net  
**Subject:** 03-4M2604 - Roger Cook Construction - Protest Ltr  
**Attachments:** 03-4M2604 - Roger Cook Construction - Protest Ltr..pdf

Roger Cook Construction fax machine was not working on June 12, 2014.

Per your instructions please see attached letter and attachment.