

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!*

April 30, 2014

Facsimile: (916) 334-0562

Edmundo A. Puchi, Treasurer
MCM Construction, Inc.
6413 32nd Street
North Highlands, CA 95660

04-0A7104
04-A1a-880-28.4/29.2
B.O. 03/18/14

Dear Mr. Puchi:

Attached for your information is the Department's response to the bid protest on the above stated contract. The signed letter and all attachments will be mailed via GSO overnight.

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

Sincerely,

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

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

Attachments

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Dear Mr. Puchi:

The Department of Transportation (Caltrans) received the attached letters dated April 3, 17, and 24, 2014 from MCM Construction (MCM) protesting the bid submitted by RGW Construction, Inc., for Contract No. 04-0A7104 on March 18, 2014. According to the protests, MCM alleges the following:

1. RGW did not provide the correct location of K&G Concrete, Inc., Central Striping, ACL and Decker Landscaping and Cleveland Wrecking.
2. On bid day, RGW identified AC Dike as performing work described as Place Hot Mix Asphalt Dike. However, on its 24 hour submittal RGW failed to list bid item 99, Place Hot Mix Asphalt Dike (Type A Modified). In addition, alleges that the quote from AC Dike included all work for Place Hot Mix Asphalt Dike items.
Furthermore, the Disadvantaged Business Enterprise (DBE) Commitment form list AC Dike for the identified work, and per the quote list 944 LF which is the total quantity of work for bid items 99 through 104, however, RGW omitted bid item 99 from the Subcontractors list form.
3. RGW described the work of Imperial Shotcrete as Minor Concrete and Related, Minor Concrete (Vegetation Control). On its 24 hour submittal, RGW omitted bid items 127, Minor Concrete (Minor Structure) and 128, Minor Concrete (Backfill).
4. RGW listed RE Serrano on its DBE Commitment form to perform bid items 96 and 97, 108 and items 209-216 (Lean Concrete, Concrete Barrier related). MCM alleges that RGW under bid the value of the items of work for RE Serrano, and as a result mathematically and materially unbalanced its bid.
5. On bid day, RGW listed Central Striping and included bid item, Traffic Control System. Accordingly, Central Striping did not quote work for this item and RGW list the percentage as 1%. In addition, the quote expressly excludes any traffic control.
6. Central Striping did not quote bid items 196, 197 and 199 (Survey Monument (type D), Delineator (class I) and Object Marker). However RGW listed the items on its Subcontractors List form.
7. Decker Landscaping did not quote bid item 77, Rock Blank. Yet, RGW listed them on its Subcontractors List form to perform 100% of this item.
8. RGW listed Tri-Valley Water Truck (Tri-Valley) to perform \$356,259 of bid item work and exceed 1.5% of the total bid price of RGW and did not list Tri-Valley on its Subcontractor's List form.

Caltrans, in accordance with its business practice, did perform a review of the bid documents submitted by RGW and determined the following;

Item 1: Caltrans determined that there is only one K&G Concrete, Inc. in California, as per the Secretary of State's records. This is also true for Central Striping, ACL, Decker Landscaping and Cleveland Wrecking. As such, the listing errors associated with these subcontractors did not provide RGW with a competitive advantage as Caltrans was able to determine the correct subcontractor from the information provided.

Item 2A: With respect to AC Dike, RGW properly followed the bidding instructions on bid date by identifying the subcontractor and the description of work. On the 24 hour submittal, provided the same information and the corresponding bid item numbers.

Item 2B: As this item pertains to the DBE submittal, the Office of Business and Economic Opportunity's, Contract Evaluation Branch (CEB) will evaluate the DBE Commitment documents and make the required adjustment based on the DBE's quote and will disallow items that are omitted from the DBE Commitment form.

Item 3: As for the omission of bid items 127 and 128, RGW properly followed the bidding instructions on bid date by identifying the subcontractor and the description of work. On the 24 hour submittal, provided the same information and the corresponding bid item numbers.

Item 4: As the protest relates to material and mathematical unbalancing, Caltrans has reviewed the bid submitted by RGW and has determined that the bid is not materially or mathematically unbalanced.

Items 5, 6 and 7: The bidding instructions do not require the contractor to submit quotes on bid date. Therefore, we are unable to make a determination regarding the validity of the items of work listed, by Central Striping or Decker Landscaping.

Item 8: RGW was not required to list Tri-Valley on its Subcontractors List form. Tri-Valley is not performing services defined by the Business and Professional Code for that of a contractor and these items of work are not considered items of work subject to the Public Contract Code 4100 (et.seq).

For these reasons, Caltrans finds that the protests from MCM have no merit and will proceed to award this contract to the lowest responsible bidder, provided that all requirements have been met.

Mr. Puchi
April 30, 2014
Page 3

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

Sincerely,

A handwritten signature in black ink, appearing to read 'John C. McMillan', is written over a horizontal line. The signature is stylized and somewhat abstract.

 **JOHN C. MCMILLAN**
Deputy Division Chief
Office Engineer
Division of Engineering Services

Attachments

**** Transmit Conf. Report ****

P. 1
CALTRANS CONTR AWARDS Fax 916-227-6282

Apr 30 2014 02:57pm

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
93340562	Normal	30:02:56pm	0'43"	4	# 0 K	

STATE OF CALIFORNIA - CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

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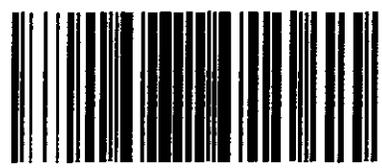
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JOHN C. MCMILLAN
Deputy Division Chief
Office Engineer
Division of Engineering Services

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	< WebShip > >>>> 800-322-5555 www.gso.com	
Ship From: LONNIE THEUS CALTRANS FARMERS MARKET 1820 ALHAMBRA BLVD. M/R SACRAMENTO, CA 95816 Ship To: EDMUNDO A. PUCHI MCM CONSTRUCTION, INC 6413 32ND STREET NORTH HIGHLANDS, CA 95660 COD: \$0.00 Reference: Delivery Instructions: Signature Type: OK TO LEAVE	Tracking #: 524536419 	CPS
SMF NORTH HIGHLANDS		B
D95660A  23921759 Print Date : 04/30/14 14:46 PM		

Package 1 of 1

Send Label To Printer

 Print All

Edit Shipment

Finish

LABEL INSTRUCTIONS:

Do not copy or reprint this label for additional shipments - each package must have a unique barcode.

STEP 1 - Use the "Send Label to Printer" button on this page to print the shipping label on a laser or inkjet printer.

STEP 2 - Fold this page in half.

STEP 3 - Securely attach this label to your package, do not cover the barcode.

STEP 4 - Request an on-call pickup for your package, if you do not have scheduled daily pickup service or Drop-off your package at the nearest GSO drop box. Locate nearest GSO dropbox locations using this link.

ADDITIONAL OPTIONS:

Send Label Via Email

Create Return Label

TERMS AND CONDITIONS:

By giving us your shipment to deliver, you agree to all the service terms and conditions described in this section. Our liability for loss or damage to any package is limited to your actual damages or \$100 whichever is less, unless you pay for and declare a higher authorized value. If you declare a higher value and pay the additional charge, our liability will be the lesser of your declared value or the actual value of your loss or damage. In any event, we will not be liable for any damage, whether direct, incidental, special or consequential, in excess of the declared value of a shipment whether or not we had knowledge that such damage might be incurred including but not limited to loss of income or profit. We will not be liable for your acts or omissions, including but not limited to improper or insufficient packaging, securing, marking or addressing. Also, we will not be liable if you or the recipient violates any of the terms of our agreement. We will not be liable for loss, damage or delay caused by events we cannot control, including but not limited to acts of God, perils of the air, weather conditions, act of public enemies, war, strikes, or civil commotion. The highest declared value for our GSO Priority Letter or GSO Priority Package is \$500. For other shipments the highest declared value is \$10,000 unless your package contains items of "extraordinary value", in which case the highest declared value we allow is \$500. Items of "extraordinary value" include, but not limited to, artwork, jewelry, furs, precious metals, tickets, negotiable instruments and other items with intrinsic value.