

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 30th STREET
P. O. BOX 168041
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6299
FAX (916) 227-6282
TTY 711



*Flex your power!
Be energy efficient!*

March 25, 2014

Facsimile: (916) 381-0611

Felipe Martin, President/CEO
Martin Brothers Construction.
8801 Folsom Blvd, Ste 260
Sacramento, CA 95826

04-3E4004
04-Nap-128-19.1/34.3
B.O. 2/11/14

Dear Mr. Martin:

The Department of Transportation (Caltrans) received the attached letter dated February 20, 2014, from Martin Brothers Construction (Martin) protesting the bid submitted by Chester Bross Construction Company (Chester Bross) for contract 04-3E4004. The protest alleges that Chester Bross submitted signed bid documents, as well as a bidders bond executed by Mike Bross on February 11, 2014 in Marion County Missouri, indicating that Mike Bross personally appeared before a Missouri Notary Public on bid day. In addition, the protest further alleges that on bid day, Chester Bross identified FMG Grinding Company to perform work described as grinding and related. However, on its 24 hour Subcontractor List form reduced FMG's scope of work by listing partial for bid item 14, Remove Asphalt Concrete Dike 58 percent and bid item 15, Cold Plane Asphalt Concrete to 61 percent. Martin requests that Caltrans find the bid submitted by Chester Bross nonresponsive and award the contract to Martin.

After a review of the bid documents and protest, Caltrans determined that Chester Bross submitted its bid documents, including its bidders bond in accordance with the bidding instructions. In addition, with respect to reducing the scope of work for FMG, the bidding instructions instruct the bidder on bid day to identify the subcontractor and provide a description of the work to be performed. The bidder, on its 24 hour submittal is required to identify the bid item(s) and the percentage of work to be performed.

Based on the determination above, Caltrans finds the bid submitted by Chester Bross responsive and will proceed to award this contract to Chester Bross, providing that all requirements have been met.

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".

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

Attachment



**Martin Brothers
Construction**

License No. 726454

8801 Folsom Blvd Suite 260
Sacramento, CA 95826

Office (916) 381-0911
Fax (916) 381-0611

Facsimile Transmittal Cover Letter

Date: February 20, 2014

Fax: (916)227-6282

Attention: Department of Transportation

Company: Office Engineer

Reference: 04-Nap-128-19.1 / 34.3 Contract No. 04-3E4004 Bid Date: 2.11.14

Urgent For Review Please Comment Please Reply Recycle

Comments:

Please find following Letter of Protest for above referenced project.

Sent Via Fax to (916)227-6282 and US Mail 2.20.14

From: Felipe Martin

Number of Pages (including cover page): 2

Martin Brothers Construction



**Martin Brothers
Construction**

Via Facsimile & U.S. Postal Service

February 20, 2014

State of California - Department of Transportation
1727 30th Street, Bidder Exchange, MS 43
Sacramento, CA 95816-8041

Attn: Mr. John C. McMillan - Deputy Division Chief, Office Engineer

Re: Contract Number: 04-3E4004
In Napa County From Knoxville Road to Solano County Line
Bid Protest

Dear Mr. McMillan,

Please consider this letter to be a formal protest of the bid submitted by Chester Bross Construction Company (CBC), the apparent low bidder in connection with Contract No. 04-3E4004. Martin Brothers Construction is currently the second lowest bidder. The bid turned in by CBC is nonresponsive and therefore must be rejected based on the Departments bidding requirements and strict enforcement policies.

The bid submitted by CBC on bid day of 2/11/14 includes signed documents and bidders bond executed by Mike Bross on 2/11/14 in Marion County Missouri. The Notary acknowledgement dated 2/11/14 indicated the Mike Bross- Vice President personally appeared before the Missouri notary public on February 11, 2014. Unless evidence can be provided that the original documents were sent from Missouri on 2/11/14 and received in California on 2/11/14 prior to bid, the bid should be rejected and considered non responsive.

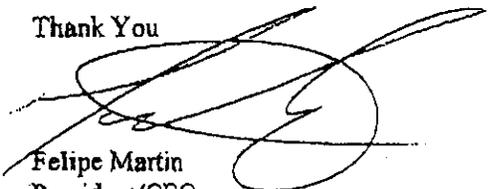
CBC's bid day Subcontractor Listing identified FMG Grinding Company work as " Grinding and Related" without identifying it as partial. On CBC's 24 hour Subcontract Listing submitted the day after bid, CBC reduced FMG's scope of work by listing them for item 14, Remove Asphalt Concrete Dike to 58% and item 15, Cold Plane Asphalt Concrete to 61% .

On numerous occasions including on Contract 03-3E1004, Caltrans has determined a bid nonresponsive for modifying the scope of work of a listed subcontractor on the next day Subcontract List form.

Given all of the above, Caltrans should find CBC's bid as nonresponsive and award Contract 04-3E4004 to Martin Brothers Construction, Inc. the lowest responsible bidder.

Please contact the undersigned, should you have any questions or comments.

Thank You


Felipe Martin
President/CEO

8801 Folsom Blvd, Ste 260, Sacramento, CA 95826 • phone 916 381-0911 • fax 916 381-0611



Via Facsimile & U.S. Postal Service

February 20, 2014

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1727 30th Street, Bidder Exchange, MS 43
Sacramento, CA 95816-8041

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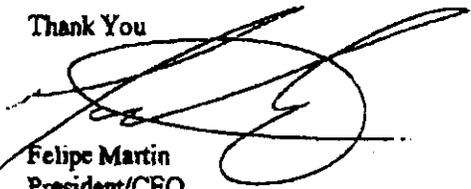
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Office (916) 381-0911
Fax (916) 381-0611

Facsimile Transmittal Cover Letter

Date: February 20, 2014

Fax: (916)227-6282

Attention: Department of Transportation

Company: Office Engineer

Reference: 04-Nap-128-19.1 / 34.3 Contract No. 04-3E4004 Bid Date: 2.11.14

Urgent For Review Please Comment Please Reply Recycle

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From: Felipe Martin

Number of Pages (including cover page): 2

Martin Brothers Construction

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

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

Mar 26 2014 01:23pm

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
93810611	Normal	26:01:22pm	0'48"	5	# 0 K	

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

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Deputy Division Chief
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Division of Engineering Services

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