

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 17, 2014

Facsimile: (925) 687-2122

Benjamin L Rodriguez, President
Bay Cities Paving & Grading Inc.
1450 Civic Ct.
Concord, CA. 94520

04-4H4904
04-Ala-84-6.9/8.0
B.O. 04/22/2014

Dear Mr. Rodriguez:

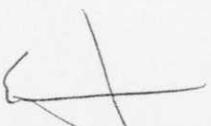
The Department of Transportation (Caltrans) received the attached letter dated May 01, 2014, from Bay Cities Paving & Grading Inc. (Bay Cities) protesting the bid documents submitted by MCK Services Inc. (MCK) for Contract 04-4H4904.

The protest states that MCK submitted an inconsistent Certified Disabled Veterans Business Enterprise (DVBE) Summary form and Subcontractor list form. MCK submitted a quote for Safety Striping that included Bid Item 3, Traffic Control (Partial) in the amount of \$8,250. but failed to list it on its DVBE Summary form and Subcontractor List form. Bay Cities requests that Caltrans to find the bid submitted by MCK nonresponsive.

Caltrans reviewed the bid documents for MCK in totality and determined that MCK did list Safety Striping to perform work described as Striping and Markers; however the performance of this work includes a reasonable portion of traffic control. The amount of the bid as listed on MCK's subcontractor list form for Safety Striping was the same as the quote submitted by Safety Striping. There is no evidence of bid shopping. Therefore, the error is determined to be a clerical in nature, and does not materially affect the bid and can therefore be waived by Caltrans. Based on this, MCK's DVBE Participation amount will not be affected.

Based on the above, Caltrans finds Bay Cities Paving's protest lacks merit and will proceed to award the contract to the lowest 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.


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

Attachment

BAY CITIES PAVING & GRADING INC.

Bue: 1450 Civic Court, Bldg. B Suite #400, Concord, CA 94520
(925) 887-8888
Fax (925) 887-2122

Mail: Post Office Box 8227, Concord, CA 94524-8227

May 1, 2014

FAXED AND MAILED

Department of Transportation, MS 43
Attn: John McMillan, Deputy Division Chief
1727 30th Street
Sacramento, CA 95816

Project: 04-4H4904
Bid Opening: 04/22/2014
Re: Protest of MCK Services, Inc.'s Bid

Dear Mr. McMillan,

Bay Cities protests MCK's bid for failing to meet the DVBE goal. Per Special Provision Section 2-1.15B, bidders are required to meet the goal listed in the Notice to Bidders which is 5%. On its Subcontractor List (Attachment A), MCK listed Safety Striping Services for 100% of Items 14 through 21. In its Certified DVBE Summary, MCK shows that Safety Striping will perform Items 14 through 21 for an amount of \$35,456 (Attachment B). To confirm the DVBE participation, MCK attached a copy of Safety Striping's quote of April 22, 2014 (Page 2 of Attachment B). The quote shows a total value of \$35,456 but this value is attained only by including Safety Striping's quote of \$8,250 for Item 3, Traffic Control (Partial). MCK's Subcontractor List, however, did not list Safety Services for this work.

Per the DVBE Summary Sheet, DVBE subcontractors "and their items of work must be consistent with the names and items of work in the Subcontractor List." By including \$8,250 worth of Item No. 3 work in its DVBE Summary Sheet, MCK altered the scope of work which Safety Striping would perform and made its bid nonresponsive. Also, the \$8,250 worth of Safety Striping's Item No. 3 work (Traffic Control) cannot be used to calculate MCK's DVBE goal because MCK failed to list Safety Striping for Item No. 3 work on either the Subcontractor or DVBE lists. Once the \$8,250 of Striping Service's Traffic Control Work is removed from the Certified DVBE Summary, then MCK has attained \$33,206 worth of DVBE participation or 4.47% DVBE participation. Since the Project goal is 5% DVBE participation, MCK failed to meet the goal and its bid must be found to be nonresponsive.

Sincerely,



Marlo Manqueros
Vice-President

cc: File

Attachment A

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
DES-OE-0102.2 (REV. 1/2011)

Bidder Name: MCK Services Inc

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) 227-6262 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
LIR Granite Bay, CA	22, 23	100%	electrical, loops
Safety Striping Services Goshen, CA	14, 15, 16, 17, 18, 19, 20, 21	100%	striping and markers
Schotka Construction American Canyon, CA	2	100%	construction area signs
Cal Vet Services Santa Clara, CA	4	100%	PCMS
KRC Safety Visalia, CA	3	39%	<u>traffic control (partial)</u>

→
No
Item
3
Traffic
Control
Work
listed

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
CERTIFIED DVBE SUMMARY
DES-06-0102.6 (REV 3/2008)

DISTRICT-COUNTY-ROUTE: 04 - Alameda - 84
CONTRACT NO: 04-4H4904
TOTAL BID: \$741,721.00
BID OPENING DATE: April 22, 2014
BIDDER'S NAME: Wick Services Inc.
DVBE-PRIME-CONTRACTOR-CERTIFICATION: N/A

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
9	Portable Chamaeleon message signs		Cal-Net Services (408) 499-0069 #17695	\$10,000.00
14, 15, 16, 17, 18, 19, 20, 21	traffic striping, markers		Safety Striping Svcs (559) 651-1022 #14354	\$435,456.00

No Item 3 Traffic Control Work Listed

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: \$4,456.00

- DVBE prime contractors must enter their DVBE reference number or their DBA name as listed with Department of General Services (DVBE prime contractors are certified with 100 percent DVBE participation and need not enter a reference number).
- If 100% of an item is not performed or supplied by the DVBE, consider it an exception, including the planned location of work to be performed or provided by the DVBE.

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

Signature of Bidder: [Signature] Date: 4-22-14
(925) 957-9200 Area Contact Telephone Number
NANCY JACKSON (Type of Print)

ADA Notice: For accessible and necessary descriptions of this document, see available information formats. For information call (916) 654-4100 or TDD (916) 654-3186 or write: Records and Public Information, 1220 L Street, MS-99, Sacramento, CA 95814

04/22-14 09:21 FROM- Safety Striping Svc +559-651-1118

T-048 P0001/0002 F-600

Attachment B, Page 2 of 2



SAFETY STRIPING SERVICE, INC.
 PO Box 1020
 9888 Avenue 306
 Goshen, CA 93227
 TEL: (559) 861-1022
 FAX: (559) 861-1118
 Contractors License #308869



Signatory Contractors, Laborer's International, Northern & Southern California

SUBCONTRACTOR QUOTATION

PROJECT: 04-4H3904 Gold Plains AC Pavement & Place HMA Fremont

DATE: April 22, 2014

QUOTE#: 13-337

Item #	Description	Unit	Est Qty	Unit \$	Total \$		
3	Traffic Control System (Partial)*	LS	1	\$8,250.00	\$8,250.00		
14	4" Thermoplastic Traffic Stripe	LF	6,650	\$0.600	\$3,990.00		
15	6" Thermoplastic Traffic Stripe	LF	4,720	\$0.700	\$3,304.00		
16	8" Thermoplastic Traffic Stripe	LF	2,950	\$1.000	\$2,950.00		
17	8" Thermoplastic Traffic Stripe (Broken 8-4)	LF	1,080	\$0.600	\$648.00		
18	Thermoplastic Pavement Marking	SF	1,650	\$4.000	\$6,600.00		
19	4" Thermoplastic Traffic Stripe (Broken 14-10)	LF	9,260	\$0.400	\$3,704.00		
20	Pavement Marker (Non-Reflective)	EA	1,250	\$3.700	\$4,625.00		
21	Pavement Marker (Retroreflective)	EA	410	\$5.000	\$2,050.00		
* Partial item contains our scope of work only							
Safety Striping Service is a certified California DVBE / SBE (#14354)							
<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;">Yes</td> <td style="width: 50%; text-align: center;">Yes</td> </tr> </table>						Yes	Yes
Yes	Yes						
SEE PAGE 2 FOR CONDITIONS					TOTAL \$36,456.00		

Handwritten note: \$27,201 with arrows pointing to the table's total column.

Includes \$ 8,250.00 of Item # 3, Traffic Control Work

facsimile TRANSMITTAL

to: John McMillan/ Deputy Division Chief, Caltrans
fax #: (916) 227-6282
re: CDOT Contract 04-4H4904, Protest of MCK Bid, Bid Date: 04/22/14
date: May 1, 2014
pages: 5, including cover sheet.

CONFIDENTIALITY NOTICE

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From the desk of..

Mario Manqueros
 Vice-President
 Bay Cities Paving & Grading, Inc.
 P.O. Box 6227
 Concord, CA 94524-6227

(925) 446-6001
 Fax: (925) 687-2122

TRANSMISSION VERIFICATION REPORT

TIME : 06/17/2014 15:48
NAME : CALTRANS AWARDS
FAX : 9162276282
TEL : 9162276299
SER.# : BROM3J484358

DATE, TIME	06/17 15:46
FAX NO./NAME	919256872122
DURATION	00:02:13
PAGE(S)	06
RESULT	OK
MODE	STANDARD ECM

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER

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