

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER

1727 30th STREET, MS 43

SACRAMENTO, CA 95816-8041

PHONE (916) 227-6299

FAX (916) 227-6282

www.dot.ca.gov/hq/esc/oe

*Flex your power!
Be energy efficient!*

October 28, 2013

Facsimile: (209) 396-2681

Michael Niven, Vice President
CCFG Construction
14535 Lake Vista Drive
Sonora, CA 95370

04-4S1604
04-Son-1-21.7
B.O. 07/30/2013

Dear Mr. Niven:

The Department of Transportation (Caltrans) received the attached letter on October 22, 2013 from CCFG Construction (CCFG), protesting the calculated total of Bid Item 5 Temporary Traffic Stripe (Paint). The protest alleges that Caltrans changed the intended unit price of \$3.50 per linear foot to \$350.00 per linear foot. The protest also alleges that CCFG submitted all certifications and Disadvantaged Business Enterprise (DBE) quotes within the required amount of time.

Section 2.1.2. of the Bid to the Department, states, *"If a decimal error is apparent in the product of the unit price and the quantity, the Department will use either the unit price or the item total based on the closest by percentage of the unit price or item total in the Department's Final Estimate"*. Section 2.2.7. states, *"The Department's decision on the bid amount is final"*.

In order to ensure fairness and maintain the integrity of the bidding process, Caltrans must determine the validity of all protest received. In accordance with this business practice, Caltrans did perform a review of all documents submitted by CCFG and determined that the unit price was in fact listed as \$350 and that the item total was incorrectly listed as \$796.28. Since the quantity of the item was 110 lf, if the unit price were \$3.50, the item total would be \$385.00 and not \$796.28. Therefore, in accordance with the statement above, the unit price prevailed and your item was correctly calculated to reflect the stated unit price of the item as \$350 by the estimated quantity, which resulted in an increase to the item total by \$37,703.72, after this adjustment the total bid amount is \$520,415.00.

Furthermore, Caltrans did receive the DBE Commitment forms on July 30, 2013. However, no written confirmations were submitted. As stated in the previous correspondence sent to CCFG on August 8 2013, "Failure to submit the required DBE information will be grounds for finding the proposal nonresponsive".

Based on the above, Caltrans upholds its original finding dated August 8, 2013, finding your bid nonresponsive and will proceed to award this contract to Gordon N. Ball, Inc.

Mr. Niven
October 28, 2013
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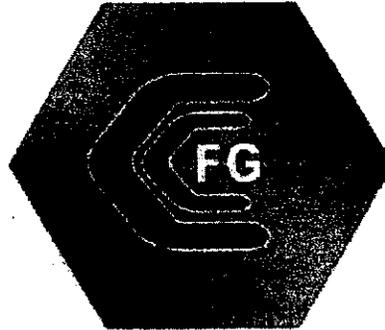
If you have any questions, please contact Mulissa Smith, Contract Awards Branch Chief, at (916) 227-6228.

Sincerely,



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

Attachment



October 21, 2013

Department of Transportation
Division of Engineering Services
Office Engineer
1727 30th Street MS-43
Sacramento, CA 95816-8041
Phone (916)-227-6299
Fax (916)-227-6282

Attention: Mr. McMillan
Deputy Division Chief

Subject: Bid Protest for Contract # 04-4S1604

CCFG would like to protest the award of the above mentioned contract.

CCFG was the apparent low bidder at the bid opening for this project on 07/30/2013, with a bid amount of \$482,300.00. After the results were posted, CCFG's bid was changed by Caltrans to \$520,415.00 for an apparent unit item error of item # 5 temporary traffic stripe. This item was changed by Caltrans from the intended unit price of \$3.50 per LF to \$350.00 per LF. (See attached bid items from Caltrans bid book.)

On 8/21/2013, Caltrans responded to a previous bid protest by CCFG (see attached DOT response letter) to project 05-463814. In this response letter Caltrans officials "reconciled" the low bidder bid due to a subcontractor quote to the "proper amount."

Attached is a quote from Chrisp Co., the listed subcontractor for item #5 in CCFG's bid on project 04-4S1604. It shows a unit item # of \$3.00 per LF and a total of \$330.00. CCFG added costs to this item and submitted a price of \$3.50 LF. This unit item # "reconciles" the total bid of \$482,300.00 when added to all other bid items.

CCFG requests that Caltrans give the same liberty to CCFG's bid for project 04-4S1604 as it did in project 05-463814 and "reconcile" bid item #5 to its "proper amount", the obvious unit number for this type of bid item.

Also attached is CCFG's DBE submittal tracking information, showing that all certifications and DBE subcontractor quotes used to meet the DBE goal were submitted to Caltrans within the required amount of time specified by the project specs.

Sincerely,

Michael Niven
Vice President, RMO
Central Coast Financial Group Inc.
DBA: CCFG Construction

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

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CALTRANS CONTR AWARDS Fax 916-227-6282

Oct 28 2013 02:29pm

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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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