

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 30th STREET
P. O. BOX 168041
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6280
FAX (916) 227-6282
TTY 711



*Flex your power!
Be energy efficient!*

March 21, 2013

Facsimile: (805) 237-8854

Tim Reuda, President
Case Pacific Company
2121 Ardmore Road

05-0C3304
05-SLO-46-4.1
B.O. 11/12/12

Paso Robles, CA 93446-7199

Dear Mr. Rueda:

The Department of Transportation (Caltrans) received the attached letter dated December 5, 2012 from Case Pacific Company (Case) protesting Souza Construction's failure to submit proof of certification under the SSPC-QP program for the following certifications:

1. SSPC-QP 1
2. SSPC-QP 2, Category A
3. SSPC-QP 3, Enclosed Shop Facility or AISC Sophisticated Paint Endorsement Quality Program, P-1 Enclosed

According to Caltrans 2010 Standard Specifications, "If the total area of steel to be painted is **less than or equal to 30,000 square feet, then the SSPC-QP 1 will not be required**". Therefore, the only certification actually required for this contract is the SSPC-QP 3. Souza Construction did comply and submitted the required SSPC-QP 3 certification at time of bid.

Based on the above action, Caltrans finds that the protest submitted by Case lacks merit and has awarded this contract to Souza.

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 "J. McMILLAN".

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

Attachments

December 17, 2012



CASE PACIFIC COMPANY 2121 Ardmore Road, Paso Robles CA 93446-7190 (805) 237-8851 FAX (805) 237-8854
6850 National Drive, Livermore CA 94550-8816 (925) 449-2590 FAX (925) 449-8150

Office Engineer
Department of Transportation
1727 30th Street
Sacramento, CA 95816-7005

Attn: Office Engineer

RE: Contract No. 05-0C3304 BID PROTEST 3 Response

In response to Souza Construction's Bid Protest 3 letter dated December 12, 2012, Case Pacific Company has attached the DVBE Certificates for KRC Safety Co. and Appian UDBE SWPPPS. We have met the contract DVBE participation goal of 5% and our bid should not be deemed nonresponsive.

As stated previously in our Bid Protest letter dated December 4, 2012, the Special Provisions, page 30, Section 59-2.0C(2), bidders' were to submit proof of certification under the SSPC-QP program. For the following certifications:

1. SSPC-QP1
2. SSPC-QP2 Category A
3. SSPC-QP3

Arthurs Contracting bid documents were found to be nonresponsive in the Department of Transportation's (Caltrans) letter dated December 14, 2012 because they failed to submit proof of their SSPC-QP3 paint certification.

Since Arthurs Contracting bid was found to be nonresponsive for not conforming to the required certifications for the SSPC-QP program, Souza Construction's bid should be found nonresponsive for the same reason for not submitting SSPC-QP1 and SSPC-QP2 certifications.

We request Souza Construction bids' be identified as nonresponsive in conformance with the Standard Specifications, Special Provisions and Bid Booklet. Case Pacific Company is the lowest responsive bidder and should be awarded this project in conformance with the specifications.

Sincerely,

A handwritten signature in black ink, appearing to read 'Will Gehrke', written over a horizontal line.

Will Gehrke
Estimator

M:\Server\Documents\Proposals\Proposal 2012\12-1246\Bid Response 1.doc

**CALIFORNIA UNIFIED CERTIFICATION PROGRAM
DISADVANTAGED BUSINESS ENTERPRISE CERTIFICATE**

K R C SAFETY CO. INC.

6084 WEST HURLEY
VISALIA, CA 93291

Owner: GARY CASTRO
Business Structure: CORPORATION

This certificate acknowledges that said firm is approved by the California Unified Certification Program (CUCP) as a Disadvantaged Business Enterprise (DBE) as defined by the U.S. Department of Transportation (DOT) CFR 49 Part 26, as may be amended, for the following NAICS codes:

NAICS Code(s) * Indicates primary NAICS code

- | | |
|--|--|
| • 238990 All Other Specialty Trade Contractors | 423990 Other Miscellaneous Durable Goods Merchant Wholesalers |
| 339950 Sign Manufacturing | 423810 Construction and Mining (except Oil Well) Machinery and Equipment |
| 238110 Poured Concrete Foundation and Structure Contractors | 237310 Highway, Street, and Bridge Construction |
| 332412 Construction, Mining, and Forestry Machinery and Equipment Rental | 423390 Other Construction Material Merchant Wholesalers |
| 423830 Industrial Machinery and Equipment Merchant Wholesalers | 484110 General Freight Trucking, Local |

Work Category Code(s)

C0600 MISC SUPPLIERS	C0612 SAFETY
C0683 GUARD RAILINGS & BARRIERS	C1200 CONSTRUCTION AREA SIGNS
C1201 TRAFFIC CONTROL SYSTEM	C1522 RESET, ADJUST ROADWAY ITEMS

Licenses

A General Engineering Contractor C31 Construction Zone Traffic Control Contractor

CERTIFYING AGENCY:
CITY OF FRESNO
2101 G STREET, BUILDING A
FRESNO, CA 93706 0000
(559) 621-1182

UCP Firm Number : 447

Beth Midwell
CUCP OFFICER

March 29, 2012

Dec 18 2012 08:17am
CASE PACIFIC PASO
(FAX) 559 732 2884
Received 8052378854
12/18/2012 09:17
12/14/2012 16:40 KRC SAFETY CO INC

CALIFORNIA UNIFIED CERTIFICATION PROGRAM (CUCP)



BAY AREA RAPID TRANSIT DISTRICT (BART)
OFFICE OF CIVIL RIGHTS
300 LAKESIDE DRIVE, 18TH FLOOR
OAKLAND, CA 94612

Phone: (510) 464-6374
Toll Free: (800) 464-6374
Fax: (510) 464-7587
TTY: (510) 464-6374

April 15, 2010

Appian UBE SWPPP's
Nicole M. Keprck
5780 Olinda Road
El Sobrante, CA 94803

Subject: Disadvantaged Business Enterprise Certification No. 38334

Dear Ms. Keprck:

We are pleased to advise you that after careful review of your application and supporting documentation, the Bay Area Rapid Transit District (BART) has determined that your firm meets the eligibility standards to be certified as a Disadvantaged Business Enterprise (DBE) as required under the U.S. Department of Transportation (U.S. DOT) Regulation 49 CFR Part 26, as amended.

Your firm will be listed in the California Unified Certification Program (CUCP) database of certified DBEs under the following specific areas of expertise that you have identified on the NAICS Codes form of the Application Package:

NAICS Codes
541620

Your DBE certification is good for five years from the date of this letter and applies only for the above codes. Any additions and revisions must be submitted in the Bay Area Rapid Transit District (BART) for approval.

Near the end of your five-year certification period, your entire file will be reviewed in order to ascertain continued DBE certification status. You will be notified of the pending DBE status review and any documentation updates necessary several weeks prior to the renewal due date.

Page 2

Appian UDBE SWPPP's
April 15, 2010

The Regulations also require annual updates during this five-year period. In order to assure continuing DBE status, you must submit annually a No-Change Declaration form (which will be sent to you), along with supporting documentation. Based on your annual submission that no change in ownership and control has occurred, or if changes have occurred, they do not affect your firm's DBE standing, the DBE certification of your firm will continue until the end of your five-year certification period.

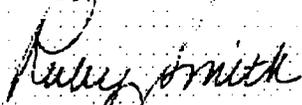
Also, should any changes occur that could affect your certification status prior to receipt of the DBE Declaration, such as changes in your firm's name, business/mailling address, ownership, management or control, or failure to meet the applicable business size standards or personal net worth standard, please notify me immediately. DBE certification is subject to review at any time. Failure to submit forms and/or change of information will be deemed a failure to cooperate under Section 26.109 of the Regulations.

You should know that all U.S. DOT recipients in California will honor your DBE certification status if your firm is certified by any one of the following agencies listed below:

- California Department of Transportation (Caltrans)
- Central Contra Costa Transit Authority (CCCTA)
- City of Los Angeles
- Los Angeles County Metropolitan Transportation Authority (METRO)
- Orange County Transportation Authority (OCTA)
- San Diego County Regional Airport Authority
- San Francisco Bay Area Rapid Transit District (BART)
- San Francisco International Airport
- San Francisco Municipal Transportation Agency (SFMTA)
- San Mateo County Transit District (SamTrans)/Peninsula Corridor Joint Powers Board (JPB)
- Santa Clara Valley Transportation Authority (VTA)
- Yolo County Transportation District (Yolobus)

Congratulations, and thank you for your interest in the DBE Program. I wish you every business success and look forward to hearing from you if I may be of any assistance to you in this regard.

Sincerely,



Ruby Smith
Senior Civil Rights Officer

Enclosure

**CALIFORNIA UNIFIED CERTIFICATION PROGRAM
DISADVANTAGED BUSINESS ENTERPRISE CERTIFICATE**

APPIAN UDBE SWPPFS

5780 OLINDA ROAD
EL SOBRANTE, CA 94803

Owner: NICOLE KOPREK
Business Structure: SOLE PROPRIETORSHIP

This certificate acknowledges that said firm is approved by the California Unified Certification Program (CUCP) as a Disadvantaged Business Enterprise (DBE) as defined by the U.S. Department of Transportation (DOT) CFR 49 Part 26, as may be amended, for the following NAICS codes:

NAICS Code(s) * Indicates primary NAICS code

- * 541620 Environmental Consulting Services

Work Category Code(s)

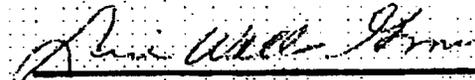
C8794 Environmental - Water Quality

Licenses

CERTIFYING AGENCY:

BAY AREA RAPID TRANSIT DISTRICT (BART)
300 LAKESIDE DRIVE, 18TH FLOOR
OAKLAND, CA 94612 0000
(510) 464-6195

CUCP Firm Number: 38334


CUCP OFFICER

April 21, 2010

12/18/2012 09:17
12/14/2012 15:42
Received 8052378854
CASE PACIFIC PASO
Dec 18 2012 08:18am
PAGE 06/18
Page 3/3



December 12, 2012

Via Fax and U.S. Mail, Certified

Office Engineer
Department of Transportation
1727 30th Street
Sacramento, CA 95816

RE: CalTrans Contract No: 05-0C3304; Bid Protest re: Case Pacific

Souza Construction, Inc. ("Souza") hereby submits this protest of the bid of Case Pacific Company ("Case") for CalTrans Contract No. 05-0C3304 ("project") on the basis that Case has failed to demonstrate that it has achieved the DVBE participation goal set for this project and is thus nonresponsive to the solicitation.

CalTrans Standard Specifications (2010), Section 2 (Bidding), § 2-1.15 addresses Disabled Veteran Business Enterprises in the context of bidding CalTrans projects. Section 2-1.15A directs that § 2.1.15 "applies to a non-federal-aid contract." Section 2-1.15B addresses and applies DVBE procedures for projects "with an estimated cost of \$5 million or less." It further provides that bidders must "[m]eet the [DVBE] goal shown on the *Notice to Bidders*," (emphasis in original), and requires the submission of the *Certified DVBE Summary* form" (emphasis in original). Finally, § 2-1.15A directs that bidders comply with Mil. & Vet. Code §§ 999 *et seq.* Section 999 (and regulations promulgated under the authority of §§ 999 and 999.5(b)) provides that to receive DVBE credit on a bid, DVBE contractors, subcontractors, and suppliers must be certified to perform a "commercially useful function" (CUF).

The project at issue is a non-federal-aid contract. The Notice to Bidders for this project states that: "The DVBE Contract goal is 5 percent" and that the "estimated cost of the project is \$900,000." See, Exhibit A. Thus, per the requirements of § 2-1.15, bidders on the project at issue must meet the stated DVBE participation goal of five percent (5%). Furthermore, bidders must demonstrate such compliance through utilization of the Certified DVBE Summary form.

Case's Certified DVBE Summary form lists two subcontractors that appear to lack DVBE certification as well as any corresponding CUF classifications; to wit, "Appian", and "KRC Safety Co., Inc." See, Exhibits B & C. As such, the DVBE credit claimed by Case for Appian's and KRC Safety Co., Inc.'s participation on the project cannot be granted. As a result, the

Souza Construction, Inc.
General Engineering Contracting
P. O. Box 3810
San Luis Obispo, CA 93403
805/546-8288
Fax 805/546-8287

DVBE participation secured by Case falls under 5% and does not meet the explicitly stated contract goal.

As the above discussion demonstrates, Case has failed to meet the clearly stated requirements for DVBE participation on the project. As such, Case's bid is nonresponsive. *See, Taylor Bus Service, Inc. v. San Diego Bd. of Education*, 195 Cal.App.3d 1331, 1341 (1987) ("A bid is responsive if it promises to do what the bidding instructions demand"). Case's variation from the bid specification is not one which is waivable as inconsequential. "To be considered inconsequential, a deviation must neither give the bidder an unfair competitive advantage nor otherwise defeat the goals of insuring economy and preventing corruption in the public contracting process." *Ghilotti Construction Co. v. City of Richmond*, 45 Cal.App.4th 897, 900 (1996). It is elementary in the present situation that any bidder allowed to evade the DVBE participation goal, a requirement provided by law, secures unto themselves an undeniable competitive advantage over other bidders. As such, the deviations from the project specifications in Case's bid cannot be deemed inconsequential, and its bid must be rejected as nonresponsive.

Sincerely,



Steve A. Souza
President
Souza Construction, Inc.

cc. GCW, esq.

cc. TJH, esq.

Exhibit "A"

NOTICE TO BIDDERS

Bids open Tuesday, November 27, 2012

Dated October 15, 2012

General work description: Construct soldier pile retaining wall.

The Department will receive sealed bids for CONSTRUCTION ON STATE HIGHWAY IN SAN LUIS OBISPO COUNTY NEAR CAMBRIA AT 1.8 MILES EAST OF GREEN VALLEY CREEK BRIDGE.

District-County-Route-Post Mile: 05-SLO-48-4.1

Contract No. 05-0C3304

The Contractor must have either a Class A license or one of the following Class C licenses: C-8, C-12.

The DVBE Contract goal is 5 percent.

Bids must be on a unit price basis.

Complete the work within 140 working days.

The estimated cost of the project is \$900,000.

No prebid meeting is scheduled for this project.

The Department will receive bids until 2:00 p.m. on the bid open date at 1727 30th Street, Bidders' Exchange, MS 26, Sacramento, CA 95818. Bids received after this time will not be accepted. Department staff will direct the bidders to the bid opening.

The Department will open and publicly read the bids at the above location immediately after the specified closing time.

District office addresses are provided in the *Standard Specifications*.

Present bidders' inquiries to the Department and view the Department's responses at:

http://www.dot.ca.gov/hq/escoe/project_status/bid_inq.html

Questions about alleged patent ambiguity of the plans, specifications, or estimate must be asked before bid opening. After bid opening, the Department does not consider these questions as bid protests.

Submit your bid with bidder's security equal to at least 10 percent of the bid.

Under Govt Code § 14835 et seq. and 2 CA Code of Regs § 1898 et seq., the Department gives preference to certified small businesses and non-small businesses who commit to 25 percent certified small business participation.

Under Pub Cont Code § 6107, the Department gives preference to a "California company," as defined, for bid comparison purposes over a nonresident contractor from any state that gives or requires a preference to be given to contractors from that state on its public entity construction contracts.

Prevailing wages are required on this Contract. The Director of the California Department of Industrial Relations determines the general prevailing wage rates. Obtain the wage rates at the DIR Web site, <http://www.dir.ca.gov>, or from the Department's Labor Compliance Office of the district in which the work is located.

Unified Certification Program

<http://www.dot.ca.gov/ucp/QuerySubmit.do>

Exhibit "B"

[Back To Query Form](#)

Search Returned 1 Records

Wed Dec 12 13:06:51 PST 2012

Query Criteria
Firm/DBA Name: appian
Firm Type: DBE

Firm ID	38334
Firm/DBA Name	APPIAN UDBE SWPPPS
Address Line1	5780 OLINDA ROAD
Address Line2	
City	EL SOBRANTE
State	CA
Zip Code1	94803
Zip Code2	
Mailing Address Line1	
Mailing Address Line2	
Mailing City	
Mailing State	
Mailing Zip Code1	
Mailing Zip Code2	
Certification Type	DBE
EMail	tomkoprek@yahoo.com
Contact Name	NICOLE KOPREK
Area Code	(510)
Phone Number	375-1927
Fax Area Code	(510)
Fax Phone Number	222-0972
Agency Name	BAY AREA RAPID TRANSIT DISTRICT (BART)
Counties	01; 07; 21; 38; 41; 48;
Districts	04;
DBE NAICS	541820;
ACDBE NAICS	
Work Codes	C8794 Environmental - Water Quality;
Licenses	
Trucks	
Gender	F
Ethnicity	BLACK
Firm Type	DBE

[Back To Query Form](#)

Unified Certification Program

<http://www.dot.ca.gov/ucp/QuerySubmit.do>

Exhibit "C"

[Back To Query Form](#)

Search Returned 1 Records

Wed Dec 12 13:07:04 PST 2012

Query Criteria
Firm/DBA Name: K R C
Firm Type: DBE

Firm ID	447
Firm/DBA Name	K R C SAFETY CO. INC.
Address Line1	8084 WEST HURLEY
Address Line2	
City	VISALIA
State	CA
Zip Code1	93291
Zip Code2	
Mailing Address Line1	
Mailing Address Line2	
Mailing City	
Mailing State	
Mailing Zip Code1	
Mailing Zip Code2	
Certification Type	DBE
E-Mail	garyc@krccsafety.com
Contact Name	GARY CASTRO
Area Code	(599)
Phone Number	732-0363
Fax Area Code	(599)
Fax Phone Number	732-2884
Agency Name	CITY OF FRESNO
Counties	00;
Districts	00;
DBE NAICS	237310; 238110; 238990; 339950; 423380; 423610; 423630; 423690; 484110; 532412;

ACDBE NAICS

Work Codes

C0812 SAFETY SUPPLIER; C0813 GUARD RAILINGS & BARRIERS SUPPLIER; C1200 CONSTRUCTION AREA SIGNS; C1201 TRAFFIC CONTROL SYSTEM; C1522 RESET, ADJUST ROADWAY ITEMS; C4808 CAST-IN-DRILLED-HOLE CONCRETE PILING; C5801 SIGN STRUCTURE; C6820 ROADSIDE SIGN; C8101 SURVEY OR HISTORICAL MONUMENT; C8201 OBJECT MARKER; C8320 METAL BEAM GUARD RAILING; C8405 THERMOPLASTIC TRAFFIC STRIPING & MARKING; C8408 PAINTED TRAFFIC STRIPING & MARKING; C8501 PAVEMENT MARKING; C8805 FLAT BED TRUCKING; C8774 TRUCKER; C8807 CONSTRUCTION EQUIPMENT RENTAL;

Licenses A General Engineering Contractor; C31 Construction Zone Traffic Control Contractor;

Trucks
Gender
Ethnicity
Firm Type

M
NATIVE AMERICAN
DBE

[Back To Query Form](#)

STATE OF CALIFORNIA - BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN JR., Governor

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 30th STREET
P. O. BOX 168041
SACRAMENTO, CA. 95816-8041
PHONE (916) 227-6280
FAX (916) 227-6282
TTY 711



*Flex your power!
Be energy efficient!*

December 14, 2012

Facsimile: (805) 237-8854

Tim Rueda, President
Case Pacific Company
2121 Ardmore Road
Paso Robles, CA 93446-7199

05-0C3304
05-SLO-46-4.1
B.O. 11/27/12

Dear Mr. Rueda:

The Department of Transportation (Caltrans) received the attached letter dated December 4, 2012, from Case Pacific Company (Case Pacific), protesting the bid submitted by Arthurs Contracting, Inc. (Arthurs Contracting). Case Pacific alleged that Arthurs Contracting failed to submit proof of their SSPC-QP 3 paint certification. Case Pacific requests that Caltrans find the bid for Arthurs Contracting nonresponsive and award the contract to Case Pacific.

After a review of the original and revised Subcontractor List form, Caltrans upholds Case Pacific's protest.

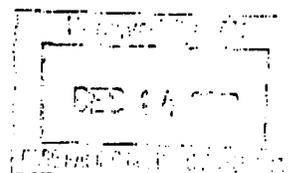
Based on the above, Caltrans finds Arthurs Contracting nonresponsive and will award the contract to the lowest responsive bidder.

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

Sincerely,

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

Attachment





CONTRACTORS & ENGINEERS

CASE PACIFIC COMPANY Lic #259827 2121 Ardmore Road, Paso Robles, CA 93446-7199 (805) 237-8851 FAX (805) 237-8854

Fax

To: Caltrans **From:** Will Gehrke

Fax: 916-227-6282 **Pages:** 2

Phone: **Date:** 12/5/2012

Re: Caltrans No. 05-0C3304 **CC:**

Bid Date: 11/27/2012

Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**

• **Comments:** We have attached a letter protesting the referenced bid.

Thank you,

Will Gehrke
Case Pacific Company

FAXED
12/18/12



CASE PACIFIC COMPANY 2121 Ardmore Road, Paso Robles CA 93446-7189 (805) 237-8851 FAX (805) 237-8854
6850 National Drive, Livermore CA 94550-8816 (925) 449-2590 FAX (925) 449-6150

December 5, 2012

Office Engineer
Department of Transportation
1727 30th Street
Sacramento, CA 95816-7005

Attn: Office Engineer

RE: Contract No. 05-0C3304 BID PROTEST

Upon further review of the posted bid documents and in addition to our previous letter dated December 4, 2012, Arthurs Contracting, Inc. and Souza Construction did not meet the requirements for submitting proof of certification under the SSPC-QP program.

On page 15 of the Bid Booklet, under SSPC QP Certification Preaward Qualification, it states, *"Submit proof of each required SSPC QP certification as specified. Failure to do so results in a nonresponsive bid."*

We request the Arthurs Contracting, Inc and Souza Construction bids be identified as nonresponsive in conformance with the Standard Specifications, Special Provisions and Bid Booklet.

Sincerely,

A handwritten signature in black ink, appearing to read "Will Gehrke".

Will Gehrke
Estimator

M:\Server Documents\Proposals\Proposal 2012\12-124e\Bid Protest 2.doc

TRANSMISSION VERIFICATION REPORT

TIME : 12/05/2012 10:46
NAME : CASE PACIFIC PASO
FAX : 8052378854
TEL : 8052378851
SER.# : BROK7J716912

DATE, TIME	12/05 10:46
FAX NO./NAME	19162276282
DURATION	00:00:23
PAGE(S)	02
RESULT	OK
MODE	STANDARD ECM



CONTRACTORS & ENGINEERS

CASE PACIFIC COMPANY Lic #259827 2121 Ardmore Road, Paso Robles, CA 93446-7109 (805) 237-0051 FAX (805) 237-8854

Fax

To: Caltrans **From:** Will Gehrke

Fax: 916-227-6282 **Pages:** 3

Phone: **Date:** 12/4/2012

Re: Caltrans No. 05-0C3304 **CC:**

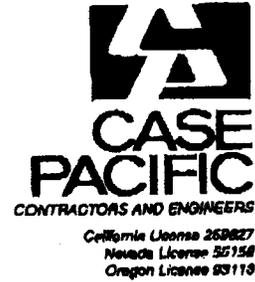
Bid Date: 11/27/2012

Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**

• **Comments:** We have attached a letter protesting the referenced bid.

Thank you,

Will Gehrke
Case Pacific Company



CASE PACIFIC COMPANY 2121 Ardmore Road, Paso Robles CA 93446-7109 (805) 237-8851 FAX (805) 237-8854
6950 National Drive, Livermore CA 94550-8816 (925) 449-2590 FAX (925) 449-0150

December 4, 2012

Office Engineer
Department of Transportation
1727 30th Street
Sacramento, CA 95816-7005

Attn: Office Engineer

RE: Contract No. 05-0C3304 BID PROTEST

We would like to protest the bid on November 27, 2012 for Contract No. 05-0C3304.

After review of Arthurs Contracting, Inc. posted bid documents, they did not list a subcontractor for Bid Item 49 Clean and Paint Steel Soldier Piling.

Per the Special Provisions, page 30, Section 59-2.01C(2), bidders' were to submit proof of certification under the SSPC-QP program. For the following certifications:

1. SSPC-QP 1
2. SSPC-QC 2 Category A
3. SSPC-QP 3, Enclosed Shop Facility or AISC Sophisticated Paint Endorsement Quality Program, P1-Enclosed

On page 3 of 62 of the Revised Standard Specification in the Special Provisions under Section 2-1.35 states, "*Submit proof of each required SSPC QP certification with your bid or fax it to (916) 227-6282 no later than 4:00 p.m. on the 2nd business day after bid opening. Failure to do so results in a nonresponsive bid.*"

Case Pacific Company requests the complete bid packages for the apparent low bidder and 2nd bidder be sent to us at our Paso Robles' office. Further, we request verification that the bidders have met the above SSPC-QP requirements.

Sincerely,

Will Gehrke
Estimator

M:\Server Documents\Proposals\Proposal 2012\12-124e\Bid Protest.doc

FAXED
12/4/2012

TRANSMISSION VERIFICATION REPORT

TIME : 12/04/2012 10:28
NAME : CASE PACIFIC PASO
FAX : 8052378854
TEL : 8052378851
SER.# : BROK7J716912

DATE, TIME	12/04 10:28
FAX NO./NAME	19162276282
DURATION	00:00:22
PAGE(S)	02
RESULT	OK
MODE	STANDARD ECM



CONTRACTORS & ENGINEERS

CASE PACIFIC COMPANY Lic #259827 2121 Ardmore Road, Paso Robles, CA 93446-7199 (805) 237-8851 FAX (805) 237-8854

Fax

To: Caltrans **From:** Will Gehrke

Fax: 916-227-6282 **Pages:** 17

Phone: **Date:** 12/18/2012

Re: Caltrans No. 05-0C3304 **CC:**

Bid Date: 11/27/2012

Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**

• **Comments:** We have attached the following:

1. Case Pacific Company letter dated December 17, 2012
2. KRC Safety Co. Inc. DBE Certificate
3. Applian UBE SWPPP DBE Certificate
4. Souza Construction letter dated December 12, 2012
5. Department of Transportation letter dated December 14, 2012
6. Case Pacific Company letter's dated December 4 and 5, 2012

Thank you,

Will Gehrke
Case Pacific Company

Advance Notice to Contractors/Subcontractors

CALTRANS' SSPC QP REQUIREMENT NOTICE

**NOTICE TO CONTRACTORS/SUBCONTRACTORS
REQUIREMENTS FOR CONTRACTORS
TO BE SSPC QP1, QP2 AND QP3 CERTIFIED**

Any contractor or subcontractor engaged in:

surface preparation and coating of structural steel, hazardous paint removal, collection, or containment or, shop painting of structural steel

shall meet the following requirements:

If only surface preparation and coating application are required by the contract, and the total area of steel to be painted is greater than 30,000 square feet, then SSPC-QP 1 Certification will be required.

 If the total area of steel to be painted is less than or equal to 30,000 square feet, then SSPC-QP 1 Certification will not be required, however, the work must be performed in accordance with the requirements in Section 3, "General Qualification Requirements," of the Society for Protective Coatings Qualification Procedure No. 1. New and existing paint contractors/subcontractors can use the projects in this classification to obtain their SSPC-QP 1 Certification.

If hazardous paint removal is a part of the contract, and the total steel area of paint removal exceeds 500 square feet, then SSPC-QP 2 Certification (Category A) will be required. If the total steel area of paint removal is less than or equal to 500 square feet, then SSPC-QP 2 Certification (Category A) will not be required, however, the work must be performed in accordance with the requirements in Sections 4.2 through 4.4.6 of the Society for Protective Coatings Qualification Procedure No. 2 (Category A).

If shop painting of structural steel is a part of the contract, and the total area of steel to be shop painted exceeds 500 square feet, then AISC-420-10/SSPC-QP 3 Certification (Enclosed Shop) will be required. If the total area of steel to be shop painted is less than or equal to 500 square feet, then SSPC-QP 3 Certification will not be required, however, the work must be performed in accordance with the requirements in Sections 5-18 of the AISC: American Institute of Steel Construction and SSPC: The Society for Protective Coatings Certification Standard for Shop Application of Complex Protective Coating Systems.

On jobs requiring Certification(s), proof of certification of the Contractor/subcontractor under the SSPC QP Certification Program is required to be submitted with your bid. If you do not submit the certification with your bid, submit it so that it is received by the Office Engineer NO LATER THAN 4:00 PM ON THE 2ND BUSINESS DAY AFTER BID OPENING.

If you do not submit the certification within the specified time, the Department will find your bid nonresponsive.

Contractors/subcontractors must maintain their SSPC QP certifications specified in the contract in good standing throughout the duration of the contract.

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

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

Mar 22 2013 03:22pm

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
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STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
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P. O. BOX 168041
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6280
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TTY 711



*Flex your power!
Be energy efficient!*

March 21, 2013

Facsimile: (805) 237-8854

Tim Rueda, President
Case Pacific Company
2121 Ardmore Road

05-0C3304
05-SLO-46-4.1
B.O. 11/12/12

Paso Robles, CA 93446-7199

Dear Mr. Rueda:

The Department of Transportation (Caltrans) received the attached letter dated December 5, 2012 from Case Pacific Company (Case) protesting Souza Construction's failure to submit proof of certification under the SSPC-QP program for the following certifications:

1. SSPC-QP 1
2. SSPC-QP 2, Category A
3. SSPC-QP 3, Enclosed Shop Facility or AISC Sophisticated Paint Endorsement Quality Program, P-1 Enclosed

According to Caltrans 2010 Standard Specifications, "If the total area of steel to be painted is **less than or equal to 30,000 square feet, then the SSPC-QP 1 will not be required**". Therefore, the only certification actually required for this contract is the SSPC-QP 3. Souza Construction did comply and submitted the required SSPC-QP 3 certification at time of bid.

Based on the above action, Caltrans finds that the protest submitted by Case lacks merit and has awarded this contract to Souza.

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

Attachments