



CALPORTLAND
CONSTRUCTION

1625 E. Donovan Road, Santa Maria, CA 93454
P. O. Box 1280, Santa Maria, CA 93456
Phone: (805) 345-3581 Fax: (805) 345-3538
Contractor's License #523019

November 26, 2014

DEPARTMENT OF TRANSPORTATION
MSC 43
OFFICE ENGINEER
1727 30TH Street
SACRAMENTO, CA 95816-7005

Facsimile: (916) 227-6282

Attn: John McMillan, Deputy Division Chief

Re: Contract No. 05-0R8304 of October 15, 2014
Bid Protest of Desert Concepts Construction, Inc.

Mr. McMillan,

Pursuant to the items listed below and the Public Contract Codes and Caltrans Provisions which govern, CalPortland Construction (CPC) hereby protests Deserts Concepts Construction, Inc's. (DCCI) bid proposal and good faith effort for the above-referenced contract. CPC's protest is based on the following information submitted by DCCI.

1. Regarding the inclusion of subcontractor Super Seal & Stripe, there is a substantial discrepancy between the amount indicated by DCCI on the subcontractor listing of \$7,047.00 and the amount indicated on the DBE Commitment form of \$17,181.00. Please reference the following attachments:

Attachment A – Super Seal and Stripe listed for items 9 (100%), 12 (100%), 51 (100%), 52 (100%), 53 (100%), 55 (100%) & 64 (0.102%).

Attachment B – Quote submitted by DCCI for Super Seal & Stripe.

Attachment C – A readable version of the quote from Super Seal & Stripe indicates these items total \$14,355.00.

Attachment D – Dollar amount submitted for DBE of \$17,181.00.

It appears DCCI made a critical error by indicating 0.102% for Item 64, however, without knowing in certainty whether this was DCCI's intent or not, the resulting discrepancy of \$10,134.00 between the two required documents allows DCCI flexibility in how much it could use Super Seal & Stripes services which is in

violation of Public Contract Code Sections 4101 and 4104 and pursuant to these codes, DCCI shall be deemed non-responsive.

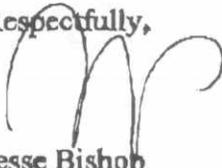
2. DCCI failed to list Veridico Group, Inc.(VGI) as a subcontractor. In addition, DCCI failed to "describe exact portion of item to be performed or furnished" as required on page 14 of the bidders book (Attachment "E"). The bidders DBE Commitment form indicates VGI will be performing Items 1,5,6 (Attachment "F"). It is reasonable to assume that Items 1 & 6 do not require work on the project site which would entail a subcontractor. However, Item 5- 'Jobsite Management' routinely requires labor performed on the project. Section 13-4 of the Standard Specifications indicates that this Item includes, "performing jobsite management, including spill prevention and control, material management, waste management, nonstormwater management, and dewatering activities." By DCCI not describing the exact portion of work to be performed by VGI, then per page 14 of the bidder's book, it can only be assumed that VGI is performing 100% of Item 5, or \$40,000.00. Specifications require any subcontractor to be listed in excess of \$10,000.00.

By failing to describe the exact portion of work for VGI and by failing to list VGI as a subcontractor, DCCI shall be deemed non-responsive.

CalPortland Construction submitted a responsive bid and hereby requests the State deem DCCI non-responsive and award the project to CalPortland Construction.

Should you have any questions, please contact us at (805) 345-3466.

Respectfully,



Jesse Bishop
Vice President & Construction Manager

Encl: Attachments A-F

10/15/2014 00:46 SUPER SEAL AND STRIPE

(FAX) 1805524728

P.001/003

ATTACHMENT "B"

Airport * Highway * Street * Parking Lot * Striping * Pavement Markings * Markers * ThermoPlastic * Signs * Sealcoat * Crackfill



CORPORATE OFFICE: 310 A STREET, P.O. BOX 765 FILLMORE, CA 93016
SATELLITE OFFICE: 151 AIRPORT ROAD, KING CITY, CA 93930
PH: (805) 524-7345 / FAX: (805) 524-7428

LETTIMAH

COMPANY:
PHONE

FAX

ATTN:
EMAIL

JOB NAME CALTRANS 05-0R2004 - CONSTRUCTION ON ROUTES 1, 101 & 135

ADDRESS VARIOUS LOCATIONS

CITY OR CLD COUNTIES

PLANS: YES

GPS: YES

ESTIMATOR: TREVOR

EMAIL: trevor@supersealandsstripe.com

BID DATE	ACCEPTANCE	START DATE	COMPLETION DATE			
10/15/14						
1	IF AND COMPLIANCE PLAN (PARTIAL - FOR OUR WORK ONLY)		1	LF	\$2,875.00	\$2,875.00
12	REMOVE THERMOPLASTIC PAVEMENT MARKINGS		120	LF	\$2.00	\$240.00
51	4" THERMOPLASTIC TRAFFIC STRIPE		70	LF	\$4.00	\$280.00
52	8" THERMOPLASTIC TRAFFIC STRIPE		85	LF	\$5.00	\$425.00
57	THERMOPLASTIC PAVEMENT MARKINGS		110	LF	\$9.00	\$990.00
55	PAVEMENT MARKER (RETROREFLECTIVE)		22	EA	\$5.00	\$110.00
54	MOBILIZATION		1	LS	\$7,360.00	\$7,360.00
<p>THIS PROPOSAL INCLUDES THE FOLLOWING:</p> <ul style="list-style-type: none"> REMOVAL OF TEMP TACS TEMPORARY STRIPING CONSTRUCTION AREA SIGNAGE POSTING OF TEMPORARY NO PARKING SIGNS MESSAGE BOARDS TRAFFIC CONTROL PLAN WET SANDBLASTING SURFACE PREP PRIOR TO STRIPING 						
<p>CONTRACTOR IS TO PROVIDE AN ON-SITE LOCATION TO STOCKPILE REMOVAL DEBRIS AND PAY ALL ASSOCIATED COSTS/FEE'S FOR HAUL-OFF AND DISPOSAL (NON-HAZMAT) INCLUDES DISPOSAL OF HAZARDOUS MATERIAL ONLY.</p>						
<p>DOWN TIME CAUSED BY ANYTHING BEYOND THE CONTROL OF SUPER SEAL AND STRIPE WILL BE BILLED AT \$125/MAN HOUR</p>						
<p>INCLUDES LAYOUT ON THE SAME DAY AS STRIPING. IF LAYOUT IS REQUIRED ON DAYS PRIOR TO INSTALLATION, AN ADDITIONAL MOBILIZATION WILL BE BILLED</p>						
<p>PRICE DOES NOT INCLUDE PREMIUM FOR SATURDAY OR SUNDAY WORK HOURS</p>						
<p>CALL TIM TANNER FOR SCHEDULING - (805) 432-3820</p>						
			PAGE 1 OF 3		TOTAL	\$20,590.00

1100

4590

110

7,360

10/26/14
0.102

USE
OFF

A CONTRACT AND FIFTEEN (15) WORKING DAYS NOTICE MUST BE GIVEN PRIOR TO STARTING WORK.

Nov 26 2014 2:05PM UNION ASPHALT

p. 7

ATTACHMENT "D"

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 05-DR8304 Project ID: 0500000381

Bidder Name: Desert Concepts Construction, Inc.

Bidder ID: VC0000108945

CALTRANS BIDDER - DBE - COMMITMENT

DES-OE-0102.10C (NEW 6/2012)

Bid Item No.

11,49,50

Item of work and description of services to be subcontracted or materials to be provided.

REMOVE CHAIN LINK FENCE, CHAIN LINK FENCE (TYPE CL-6), PEDESTRIAN BARRICADE TYPE FOR CALTRANS USE ONLY

Name of DBEs (Must be certified on the date bids are opened -

include Caltrans certification #, DBE address and phone number)

(Indicate 2nd and lower tier subcontractors)

ACE FENCE COMPANY

727 NORTH GLENDORA AVE, LA PUENTE CA. 91744

CERTIFICATION# 642 PH#626-333-0727

Dollar amount DBE 23,850.00

Bid Item No.

9,12,51,52,53,55,64

Item of work and description of services to be subcontracted or materials to be provided.

REMOVE YELLOW THERMOPLASTIC, REMOVE THERMOPLASTIC, 4" & 6" THERMOPLASTIC TRAFFIC STR FOR CALTRANS USE ONLY

Name of DBEs (Must be certified on the date bids are opened -

include Caltrans certification #, DBE address and phone number)

(Indicate 2nd and lower tier subcontractors)

SUPER SEAL AND STRIPE

310 A STREET FILMORE, CA. 93016

CERTIFICATION# 2003 PH#805-524-7345

Dollar amount DBE 17,181.00

Bid Item No.

Item of work and description of services to be subcontracted or materials to be provided.

FOR CALTRANS USE ONLY

Nov 26 2014 2:05PM UNION ASPHALT

Name of DBEs (Must be certified on the date bids are opened -
include Caltrans certification #, DBE address and phone number)
(Indicate 2nd and lower tier subcontractors)

Dollar amount DBE

Contract No. 05-OR8304

Page 16

ATTACHMENT "E"

In bid book
2

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
Contract No.: 05-OR0304 Project ID: 0500000381
Bidder Name: Desert Concepts Construction, Inc. Bidder ID: VC0000108345
CALTRANS BIDDER - DBE - COMMITMENT
DES-OE-0102.10C (NEW 6/2012)

Second Bidde.

BID AMOUNT: 997,556.35
BID OPENING DATE: 10-15-14
DBE PRIME CONTRACTOR CERTIFICATION: N/A

IMPORTANT: Identify all DBE firms being claimed for credit, regardless of tier. Names of the First Tier DBE Subcontractors and their respective item(s) of work listed must be consistent, where applicable, with the names and items of work in the Subcontractor List. Copies of the DBE quotes are required.

1. DBE prime contractors must enter their certification number and indicate all work to be performed by DBEs including work performed by its own forces.

* 2. If 100% of item is not to be performed or furnished by DBE, describe exact portion of item to be performed or furnished.

Total Claimed Participation \$ 133,451.75
% 0.13
Person to Contact : GARY FOWLER
(Area Code) Tel.No. : 760-200-9007

1301626

Signature of Bidder

Date

ATTACHMENT "F"

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 05-OR8304 Project ID: 0500000381

Bidder Name: Desert Concepts Construction, Inc.

Bidder ID: VC0000108345

CALTRANS BIDDER - DBE - COMMITMENT

DBE-OB-0102.10C (NEW 6/2012)

Bid Item No.

2,3,13,17,18,36,37,38,39,4

Item of work and description of services to be subcontracted or materials to be provided.

CONST ARRA SIGNS, TRAFFIC CONTROL SYSTEM, REMOVE-RESET & RELOCATE ROADSIDE SIGN, FOR CALTRANS USE ONLY

Name of DBEs (Must be certified on the date bids are opened -

include Caltrans certification #, DBE address and phone number)

(Indicate 2nd and lower tier subcontractors)

MANERI TRAFFIC CONTROL

47423 RAINBOW CANYON, TEMECULA CA. 92592

CERTIFICATION# 38078 PH#951-695-5104

Dollar amount DBE 72,591.35

Bid Item No.

1,5,6

Item of work and description of services to be subcontracted or materials to be provided.

LEAD COMPLIANCE (SOIL) AND GRINDING/COLD, JOBSITE MANAGMENT, PREPARE WATER PCP FOR CALTRANS USE ONLY

Name of DBEs (Must be certified on the date bids are opened -

include Caltrans certification #, DBE address and phone number)

(Indicate 2nd and lower tier subcontractors)

VERIDICO GROUP, INC.

P.O. BOX 673, ROSEVILLE CA. 95661

CERTIFICATION# 39572 PH#707-317-0002

Dollar amount DBE 9,870.00

Bid Item No.

40,43,46

Item of work and description of services to be subcontracted or materials to be provided.

24" ALTERNATIVE PIPE CULVERT, 24" ALTERNATIVE FLARED, DETECTABLE WARNING SURFACE FOR CALTRANS USE ONLY

Name of DBEs (Must be certified on the date bids are opened -

include Caltrans certification #, DBE address and phone number)

(Indicate 2nd and lower tier subcontractors)

WATER COMPONENTS & BUILDING SUPPLY, INC.

44 SIMMS ST., SAN RAFAEL, CA. 94901

CERTIFICATION# 27363 PH#415-524-8290

Dollar amount DBE 9,959.40



Calportland Construction
1626 East Donovan Road
Santa Maria, CA 93454

Facsimile

Company: Caltrans

TO: Mr. John McMillan

Number of pages including cover page: 9

Project: 06-0R8304

Fax Number: (916) 227-6282

Subject: Bid Protest of Desert Concepts
Construction, Inc.

Date: November 26, 2014

REMARKS

- For Approval
- For Your Review
- Reply ASAP
- Please Comment

Please see the attached Bid Protest for the above-referenced contract number.

Thank you

Original to follow by mail

Yes

No X

From: Jesse Bishop

Construction

Phone: (805) 345-3466

Fax: (805) 345-3538

E-mail: jbishop@calportland.com