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

Flex your power!
Be energy efficient!

March 17, 2014

Facsimile: (805) 473-3016

David Cruce, Area Manager
Papich Construction Co. Inc.
P. O. Box 2210
Pismo Beach, CA 93448

05-1A4604
05-SB,SLO-166-Var
B.O. 02/26/2014

Dear Mr. Cruce:

The Department of Transportation (Caltrans) received the attached letter dated March 14, 2014, from Papich Construction Co. Inc. (Papich), protesting Granite Construction's (Granite) bid. The protest alleges that Granite failed to submit the Non Small Business (NSB) Preference form and is therefore, not eligible to receive the NSB Preference. As such, Papich should be the low bidder, for comparison purposes..

Caltrans has reviewed the bid documents; specifically, the NSB Preference Form submitted by Granite and has determined that Caltrans received the Certified SBE list for NSB Preference on February 28, 2014, at 9:48 am. The due date for submission of this information was February 28, 2014, by 4:00 pm, 2 business days after bid opening.

Based on the above determination, Caltrans will proceed to award this contract to the lowest responsive and responsible bidder, provided that all other requirements have been met.

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

Attachment

PAPICH CONSTRUCTION CO., INC.

CAL. LIC. #767055
P.O. BOX 2210, PISMO BEACH, CA 93448
(805) 473-3016 OFFICE • (805) 481-5966 FAX

FACSIMILE TRANSMITTAL SHEET

TO: John McMillan	FROM: David Cruce
COMPANY: Caltrans	DATE: 03/14/13
FAX NUMBER: 916-227-6282	TOTAL NO. OF PAGES INCLUDING COVER: 3
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE: 05-1A4604 Bid Protest	YOUR REFERENCE NUMBER:

☐ URGENT ☑ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE READ

Hard copy to be mailed.

PAPICH
CONSTRUCTION, INC.
GENERAL ENGINEERING CONTRACTOR
CAL. LIC. #767055
P.O. BOX 2210, PISMO BEACH, CA 93448
(805) 473-3016 OFFICE • (805) 481-8966 FAX

March 14, 2014

Department of Transportation
Division of Engineering Services
Office Engineer, MS 43
1727 30th Street
P.O. Box 168041
Sacramento, CA 95816-8041

Phone (916) 227-8300
Fax (916) 227-6282

Attn: Mr. John C. McMillan, Deputy Division Chief

RE: 05-1A4604

Subject: Non-Small Business Preference

Dear Mr. McMillan,

Please accept this letter as a formal protest of the award of the above referenced project to Granite Construction (Granite). For the following reason Papich Construction Co. Inc (PCI) has submitted what is the lowest responsible and responsive bid on this project.

On February 3, 2014 Caltrans advertised project 05-1A4604 with a small business preference. Both Granite and PCI requested the non small business preference on their respective bids that were submitted on February 26, 2014.

Upon bids being posted to the bid tabulation page on the Caltrans website, PCI was the only company that had submitted the supporting documentation for the non small business preference. Since PCI turned in the required documentation, the preference in Section 2-1.18C, would apply. Section 2-1.18C states:

The non–small business subcontractor preference is a reduction for bid comparison in the total bid submitted by the non–small business contractor requesting the preference by the lesser of the following amounts:
1. 5 percent of the verified total bid of the low bidder
2. $50,000

Granite's total bid for this project was $2,658,336.00. PCI was the next monetary low bidder, with a total bid of $2,699,999.00. With the non small business preference, this would now

make PCI's bid $2,649,999.00 for comparison purposes, making PCI the lowest responsive and responsible bidder.

PCI sent in our supporting non small business documentation by overnight courier as required. (Attachment A) As you can see there is a date stamp on the supporting documentation. The date stamp is within the time limit of two business days of the bid opening. (Attachment B)

We understand that Caltrans makes every reasonable step to meet the departments' small business goals. PCI makes every stride to assist and empower the small business concerns. Without these companies California's road would not be built. PCI respectfully ask that Caltrans apply the non small business preference to our bid and award the contract to Papich Construction Co., Inc.

Thank you for your consideration,

Respectfully,

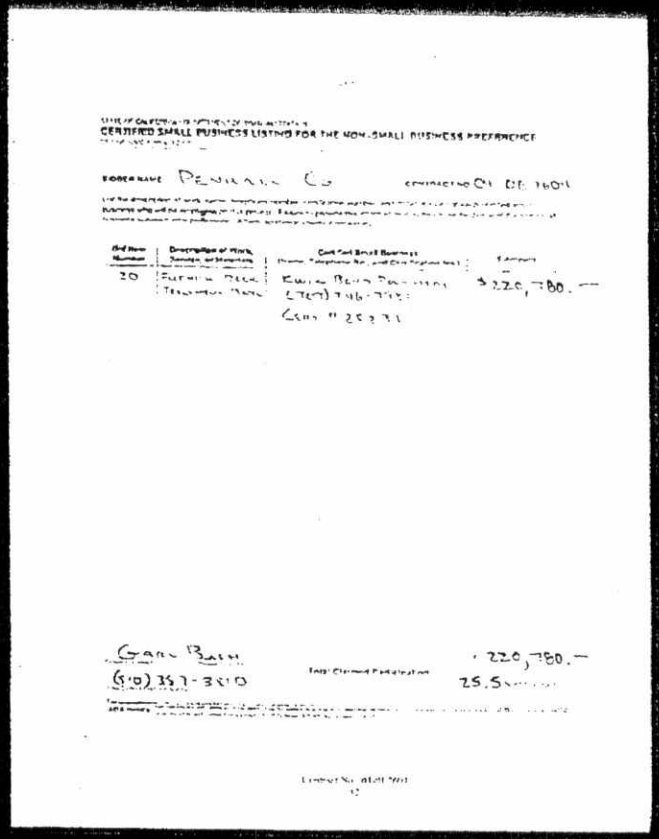
David Cruce
Area Manager

559-344-8101
559-242-5050
dcruce@papichco.com

Attachment A

Completing the Bid – Request for Non-Small Business Preference

- Complete and sign the form.
- Mail the list of certified small business subcontractors so it is received within 2 business days of bid opening
- Faxes not accepted
- No preference given if form is received late
- A request for the non-small business preference can not displace a small business from the contract award


CERTIFIED SMALL BUSINESS LISTING FOR THE NON-SMALL BUSINESS PREFERENCE

SUBDEMAND PENRAIN CO CONTRACT NO 01 DE 1601

Bid Item Number	Description of Work, Services, or Materials	Certified Small Business	Amount
20	[illegible]	[illegible]	$220,780.—

Gary Bush
(510) 357-3810

Total Claimed Participation $220,780.—
25.5%

Second Bidder

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
BID BOOK

Contract No.: 05-1A4604 Project ID: 0500020341
Bidder: VC0000101366 - Papich Construction Co. Inc. 02-26-14

CERTIFIED SMALL BUSINESS LISTING FOR THE NON-SMALL BUSINESS PREFERENCE

List the description of work, name, telephone number, certification number and dollar amount of each certified small business who will be employed on this project. Failure to provide this information may be cause for denial of the non-small business subcontractor preference. May submit additional sheets if necessary.

Submit to:
MSC43
Office Engineer
Department of Transportation
1727 30th Street
Sacramento, CA 95816-7005

Attachment B

Person to contact:David Cruce
Telephone number:559-213-3445

Total Claimed Participation:
$701,363.00
25.97 % of Contract

Bid Item No.(s) : Example: 100, 200
7,8,28,29,30,31,32,33,34
Description of Work, Service, or Materials:
Metal Beam Guard Railing and related
Firm Name:
DRG Fence
Telephone:626-260-4429 SB Certification No.: 1743601
$Amount :538,563.00 Example: 999,999

Bid Item No.(s) : Example: 100, 200
1,3(partial), 9,10,20,35,36,37
Description of Work, Service, or Materials:
Rumble strip and striping
Firm Name:
Safety Striping Service Inc
Telephone:559-651-1022 SB Certification No.:14354
$Amount :137,899.00 Example: 999,999

Bid Item No.(s) : Example: 100, 200
22,23,24,25
Description of Work, Service, or Materials:
AC Dike
Firm Name:
Asphalt Dike Construction Inc dba APCO
Telephone:559-651-7900 SB Certification No.:20321
$Amount :24,961.00 Example: 999,999

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
BID BOOK

02-26-14 11:21 RCVD

Contract No.: 05-1A4604 Project ID: 0500020341
Bidder: VC0000101366 - Papich Construction Co. Inc.

CERTIFIED SMALL BUSINESS LISTING FOR THE NON-SMALL BUSINESS PREFERENCE (cont'd)

Bid Item No.(s) : Example: 100, 200

Description of Work, Service, or Materials:

Firm Name:
Telephone :
SB Certification :
$Amount : Example: 999,999

Bid Item No.(s) : Example: 100, 200

Description of Work, Service, or Materials:

Firm Name:
Telephone :
SB Certification :
$Amount : Example: 999,999

Bid Item No.(s) : Example: 100, 200

Description of Work, Service, or Materials:

Firm Name:
Telephone :
SB Certification :
$Amount : Example: 999,999

Bid Item No.(s) : Example: 100, 200

Description of Work, Service, or Materials:

Firm Name:
Telephone :
SB Certification :
$Amount : Example: 999,999

Bid Item No.(s) : Example: 100, 200

Description of Work, Service, or Materials:

Firm Name:
Telephone :

SB Certification :
$Amount : Example: 999,999

-2-28-14 11:21 RCVD

02-28-14A11:21 RCVD

APCO

ASPHALT DIKE CONSTRUCTION, Inc. dba APCO
P.O. BOX 790, GOSHEN, CA 93227-0790
(559) 651-7900 • FAX (559) 651-7905
CA. LIC # 283095
www.apcodike.com

2/25/2014

SBE # 20321

IN LISTED

PROJECT #: 05-1A4604
PROJECT NAME: CALTRANS ROUTE 166
LOCATION: SANTA MARIA

PROPOSAL #: 14-083
WEEKDAY DAYTIME HOURS

WE PROPOSE TO FURNISH LABOR & EQUIPMENT IN STRICT ACCORDANCE WITH THE PLANS AND SPECIFICATIONS AS NOTED BELOW. PLEASE MAKE REFERENCE TO OUR PROPOSAL NUMBER WITH ALL INQUIRIES AND CORRESPONDENCE. PURCHASE ORDER MUST BE RECEIVED WITHIN THIRTY (30) DAYS FROM DATE OF QUOTE OR QUOTATION IS INVALID.

SCOPE OF WORK

ITEM	TYPE OF WORK	TYPE	QTY	@	RATE	TOTAL
22	PLACE ASPHALT CONCRETE DIKE TYPE	A	4,130	LF	$1.12	$4,606.33
23	PLACE ASPHALT CONCRETE DIKE TYPE	C	140	LF	$1.12	$156.15
24	PLACE ASPHALT CONCRETE DIKE TYPE	E	16,200	LF	$1.12	$18,068.41
25	PLACE ASPHALT CONCRETE DIKE TYPE	F	1,910	LF	$1.12	$2,130.29

TOTAL 22,380 LF TOTAL $24,961.18

DAYS ON JOB 4 MOVE IN'S 1 ADDITIONAL MOVES $3,600.00

NOTE: "DIKE MACHINES REQUIRE 12' WIDTH, DISCHARGE FROM THE LEFT SIDE.
CONTROL POINTS TO BE PLACED AT FACE OF CURB BEFORE ARRIVAL
DIKE PLACEMENT ON FINISHED SURFACE TRUCKING AND ASPHALT ARE NOT INCLUDED IN QUOTE

1. This quotation will be incorporated into the subcontract between the parties.(either a signed proposal or having these items included as an attachment or included in the contract.)
2. If a job is cancelled by customer after APCO's equipment and crew has been dispatched, regardless of conditions, customer will assume responsibility for all mobilization charges incurred. If a job is cancelled by customer after APCO has been on jobsite, regardless of conditions, customer will assume responsibility for time incurred. (minimum 2 hr show-up)
3. By accepting this bid, the customer agrees to pay Asphalt Dike Construction, Inc. within thirty (30) days of Asphalt Dike Construction, Inc. invoice date. After 30 days 18% APR will be charged to outstanding balances. Customer's receipt of payment is not a condition to customer's obligation to pay Asphalt Dike Construction, Inc. Customer agrees that the funds for this project will not be offset from any claims or disputes on other projects. Retention will be paid to Asphalt Dike Construction, Inc. thirty (30) days after the notice of completion or acceptance, or if no notice is filed thirty (30) days after completion of the project as defined by the California Civil Code. No Retention bill be held on any daily rental rate work.
4. The unit prices quoted are for the estimated quantities set forth herein. The prices are subject to adjustment if the quantity of any item increases or decreases twenty percent (20%) or more from the estimate. Proposal is for Monday through Friday (Non-Holiday) normal daytime hours.
5. Asphalt Dike Construction, Inc shall not be responsible for the protection of the finished work and / or any repairs that may be required due to damage by others. Unit prices quoted are for machine extruded asphalt only. Handwork extra.Customer agrees to indemnify and hold APCO harmless from any claims or disputes regardless of whether such claims are founded in whole or in part upon any negligent act or omission of APCO.
6. We require 15 days notice prior to start of work.
7. proposal excludes traffic control, grading & cleaning, layout of control points, permits, testing, bonds, waiver of subrogation,city business license asphalt under dike (pre-pave), asphalt and trucking

ACCEPTED

WE ARE A UNION CONTRACTOR.
SUBMITTED BY:

Larry Grimes
Vice President
Asphalt Dike Construction, Inc. dba
APCO

CONTRACTOR DATE

LARRY GRIMES, Vice President DATE
Asphalt Dike Construction, Inc. dba APCO

Also available: Shoulder Backing and Asphalt Concrete Shoulder, V-Ditch, Trench Paving and all Speciality Dike

SAFETY STRIPING SERVICE, INC.
PO Box 1020
6868 Avenue 305
Goshen, CA 93227
TEL: (559) 651-1022
FAX: (559) 651-1118
Contractors License #308608

IN LIST

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

SUBCONTRACTOR QUOTATION

PROJECT: 05-1A4504 Overlay Existing Roadway with Rubberized HMA
Santa Barbara & San Luis Obispo Counties

DATE: February 26, 2014

QUOTE#: 13-246

Item #	Description	Unit	Est Qty	Unit $	Total $
1	Lead Compliance Plan (Non-Hazardous)(Partial)*	LS	1	$1,500.000	$1,500.00
3	Traffic Control System (Partial)*	LS	1	$21,300.000	$21,300.00
9	Remove Thermoplastic Traffic Stripe	LF	123,000	$0.240	$29,520.00
10	Remove Pavement Marker	EA	10,700	$1.000	$10,700.00
20	Centerline Rumble Strip	STA	320	$28.000	$8,960.00
35	4" Thermoplastic Traffic Stripe	LF	174,000	$0.310	$53,940.00
36	4" Thermoplastic Traffic Stripe (Broken 36-12)	LF	17,300	$0.250	$4,325.00
37	Pavement Marker (Retroreflective)	EA	3,660	$2.150	$7,654.00
	* Partial items contain our scope of work only.				
	NOTE: Contractor must maintain the integrity of the existing striping locations (lane widths) through paving operations, per section 39-1.11 of Standard Specifications.				
	Safety Striping Service is a certified California DVBE / SBE (#14354)				
	SEE PAGE 2 FOR CONDITIONS.			TOTAL	$137,899.00

Remove small Bus. In 1743601

DRG FENCE INCORPORATED
LICENSE # 938507

116 Live Oak Ave # 142

Arcadia CA. 91006

Tel: 626-260-4429 Fax: 626-279-5510

Estimator: Francisco Esparza Email javierdrg@yahoo.com Cell phone: 661-733-2928

Small Business # 1743601

Union Contractors

Proposal

Date: 02/26/2014
To: General Contractors
Attn: Estimating Department
Project: 05-1A4604

65 Working days
Addenda 1

1743601

ITEM NO	DESCRIPTION	QUANTITY	UNIT OF MEASURE	UNIT PRICE	TOTAL PRICE
7	Treated Wood Waste	16,000	LB	0.29	4,640.00
8	Remove Guardrail	16,400	LF	3.00	49,200.00
28	Guard Railing Delineator	210	EA	18.00	3,780.00
29	Midwest Guardrail System Steel Post	12,800	LF	25.82	330,496.00
30	Midwest Guardrail System 8,Steel Post	2,750	LF	30.90	84,975.00
31	Transition Railing Type WB-31	4	EA	3,570.00	14,280.00
32	End Anchor Assembly Type SFT	8	EA	600.00	4,800.00
33	Alternative In-Line Terminal System	9	EA	3,212.00	28,908.00
34	Alternative Flared Terminal System	6	EA	2,914.00	17,484.00
TOTAL					538,563.00

- ADD $500

Exclusions/Clarifications

All labor and material to be furnished in accordance with above specifications
Work shall be completed within 30 working days
Concrete block anchor, pipe sleeves, core drilling, for transition railing type WB-31(price is not included)
All price base on 10 hrs. Night work shifts
This Proposal Includes 1 Move-In, additional Move-In + 2,000.00 EA.
Prime Contractor to Provide Traffic Control
Contractor to provide a secure yard for storage, material and equipment
The sum above includes the 3% Bond rate

Traffic Control Shifts

** Transmit Conf.Report **

P.1 Mar 17 2014 02:46pm
CALTRANS CONTR AWARDS Fax 916-227-6282

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
918054732217	Normal	17:02:44pm	1'31"	11	# O K	

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
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Deputy Division Chief
Office Engineer
Division of Engineering Services

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