

**PAPICH**  
**CONSTRUCTION, INC.**  
GENERAL ENGINEERING CONTRACTOR  
CAL. LIC. #767055  
P.O. BOX 2210, PISMO BEACH, CA 93448  
(805) 473-3016 OFFICE • (805) 481-5966 FAX

March 14, 2014

Department of Transportation  
Division of Engineering Services  
Office Engineer, MS 43  
1727 30<sup>th</sup> 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

From:

03/17/2014 09:36

#210 P.003/010

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](mailto: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

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION  
**CERTIFIED SMALL BUSINESS LISTING FOR THE NON-SMALL BUSINESS PREFERENCE**  
 CONTRACT NO. 04 DE 1404

BIDDER NAME: PENNALE CO CONTRACTING COMPANY

For the description of work items, see item number, name, and amount on the attached bid items list. Bidder must list the name, telephone number, and California address of each subcontractor who will be employed on the project. Bidder must also list the name, telephone number, and California address of the bidder's own certified small business subcontractors. Attach all items to the bid.

Bid Item Number	Description of Work, Service, or Materials	Certified Small Business (Name, Telephone No., and California Address)	Amount
20	Freight Bill Trucking Rate	Kwik Bolt Packaging (707) 746-7987 Care # 25233	\$ 220,780.00

Gail Bann Total Claimed Participation: 220,780.00  
 (916) 357-3310 Total Certified Participation: 25.5%

Contract No. 04 DE 1404  
 12

From:

03/17/2014 09:41

#210 P.005/010

# 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

From:

03/17/2014 09:42

#210 P.006/010

STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION  
BID BOOK

02-25-14 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)

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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

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

Description of Work, Service, or Materials:

Firm Name:  
Telephone                      :

From:

03/17/2014 09:42

#210 P.007/010

SB Certification :  
\$Amount : Example: 999,999

05-28-14A11:21 RCVB

02-28-14 11:21 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 will 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

03-17-2014 09:43



**SAFETY STRIPING SERVICE, INC.**  
 PO Box 1020  
 6868 Avenue 305  
 Goshen, CA 93227  
 TEL: (559) 651-1022  
 FAX: (559) 651-1118  
 Contractors License #308669



*IN LIST*

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

SUBCONTRACTOR QUOTATION					
PROJECT: 05-1A4604 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	3,560	\$2.150	\$7,654.00
* Partial Items contain our scope of work only.					
<b>NOTE:</b> 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	

From:

03/17/2014 09:44

#210 P.010/010

Feb 25 14 10:30p

DRG Fence Incorporated

(626)279-5510 p.2

05-28-1A4604 FCVD

*Remain Small Business # 1743601*

# DRG FENCE INCORPORATED LICENSE # 938507

116 Live Oak Ave # 142

Small Business # 1743601

Arcadia CA. 91006

Union Contractors

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

Estimator: Francisco Esparza Email [javierdr@gmail.com](mailto:javierdr@gmail.com) Cell phone: 661-733-2928

### Proposal

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

65 Working days  
Addenda 1



ITEM NO	DESCRIPTION	QUANTITY	UNIT OF MEASURE	UNIT PRICE	TOTAL PRICE
7	Treaded 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*

# PAPICH CONSTRUCTION CO., INC.

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

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### FACSIMILE TRANSMITTAL SHEET

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

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URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY     PLEASE READ

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Hard copy to be mailed.