

**DEPARTMENT OF TRANSPORTATION**

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER

1727 30th STREET, MS-43

P.O. BOX 168041

SACRAMENTO, CA 95816-8041

PHONE (916) 227-6299

FAX (916) 227-6282

TTY 711

www.dot.ca.gov

*Serious drought.  
Help save water!*

May 5, 2015

Facsimile: (916) 383-4084

Mike Fain, Operations Manager  
Telfer Highway Technologies  
4522 Parker Avenue, Bldg 700, Suite 350  
McClellan, CA 95652

05-1G3404  
05-SLO-101-R23.9/32.3  
B.O. 04/23/2015

Dear Mr. Fain:

The Department of Transportation (Caltrans) received a letter dated May 4, 2015 from Papich Construction Company, Inc. (Papich) protesting the Disadvantaged Business Enterprise (DBE) Commitment form submitted by Telfer Highway Technologies (Telfer). Papich alleges that the quote Telfer submitted from LMS Transport was addressed to CalPortland and not Telfer. Papich further alleges that Telfer failed to list all the proper work codes and improperly completed the DBE Commitment form. As such Papich requests that Telfer be found nonresponsive and the contract be awarded to Papich.

Please provide your response to Papich's protest no later than May 8, 2015.

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

Sincerely,

A handwritten signature in black ink, appearing to read "John C. McMILLAN".

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

Attachment

# PAPICH CONSTRUCTION CO., INC.

INFRASTRUCTURE • RENEWABLES • OIL & GAS

May 4, 2015

John McMillan  
Deputy Division Chief  
Division of Engineering Services  
Office Engineer, MS 43  
1727 30<sup>th</sup> Street  
P.O. Box 168041  
Sacramento, CA 95816-8041

RE: Contract 05-1G3404  
Bids opened: April 23, 2015  
Bid Protest of Telfer Highway Technologies

Dear Mr. McMillan,

Papich Construction Company, Inc. (PCI) was the second monetary bidder on the above referenced project. With this letter, we are hereby protesting the bid submitted by Telfer Highway Technologies (Telfer). Telfer's bid should be found to be non-responsive for the following reasons:

1. Telfer listed LMS Transport on their DBE commitment form. The written confirmation they attached to their DBE commitment form was addressed to Cal Portland. Telfer failed to provide backup that ties LMS Transport to Cal Portland to Telfer. There is no connection from LMS Transport to Telfer. The submitted backup does not provide written confirmation that LMS Transport will be providing any goods or services to Telfer. Therefore Telfer can not use LMS Transport towards the DBE goal. Without this commitment Telfer does not meet the project DBE goal.
2. Telfer failed to list all of the proper work codes for LMS Transport. Telfer only listed the work code C0627; this is for petroleum oil, lubricant supplier, (bulk item). They failed to list work code C9774, Trucking. Telfer is claiming the trucking of the oil, yet they failed to list the proper work code for this work.
3. Telfer improperly completed the DBE commitment form. Telfer listed the number of subcontractors on this project as 27. Telfer only listed Traffic Loops Crackfilling, Cal Stripe and Diversified Concrete Cutting at the time of bid. Since they improperly completed the DBE commitment form, their bid must be found non-responsive.

MAILING ADDRESS:  
PO Box 2210  
PISMO BEACH, CA 93448

OFFICE: 805-473-9016  
ESTIMATOR'S FAX: 805-473-2217  
ACCOUNTING FAX: 805-481-5966

# PAPICH CONSTRUCTION CO., INC.

INFRASTRUCTURE • RENEWABLES • OIL & GAS

For these reasons Telfer's bid should be deemed non-responsive and be rejected. The award should be given to the next lowest responsible and responsive bidder, which is Papich Construction.

Thank you for your time in reviewing this matter.

Sincerely



David Cruce  
Vice President – Business Development and Estimating  
Papich Construction Company, Inc.

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PO Box 2210  
PISMO BEACH, CA 93448

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# 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: 5/4/15
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER: 3
PHONE NUMBER: 916-227-6282	SENDER'S REFERENCE NUMBER:
RE: 05-1G3404	YOUR REFERENCE NUMBER:

URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY     PLEASE READ

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

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

May 6 2015 01:38pm

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

EDMUND G. BROWN Jr., Governor

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Deputy Division Chief  
Office Engineer  
Division of Engineering Services

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