

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!*

June 8, 2015

Facsimile: (559) 242-5040

Jason Papich, President
Papich Construction Company, Inc.
P.O. Box 2210
Pismo Beach, CA 93448

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

Dear Mr. Papich:

The Department of Transportation (Caltrans) received a letter dated May 4, 2015, from Papich Construction Company, Inc. (Papich), protesting bid documents submitted by Telfer Highway Technologies (Telfer) for Contract No. 05-1G3404 on April 23, 2015. The protest alleges Telfer submitted with its Disadvantaged Business Enterprise (DBE) Commitment form, written confirmation from LMS Transport (LMS) addressed to CalPortland Construction (CalPortland) but failed to tie LMS to CalPortland as a first tier provider. Additionally, Papich alleges Telfer failed to list the proper work codes for LMS. Lastly, Papich alleges Telfer improperly completed its DBE Commitment form and listed 27 subcontractors on the project but only identified three subcontractors at time of bid.

Papich requests that Caltrans find Telfer nonresponsive and award the contract to Papich.

Caltrans conducted a review of the bid documents submitted by Telfer and determined the following:

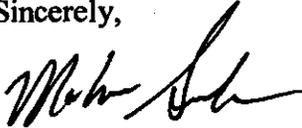
1. As the protest relates to the quote addressed to CalPortland from LMS, CalPortland is a first tier materials supplier to Telfer and LMS is a second tier to Telfer. Telfer can still claim DBE participation for the transportation costs of the oil. Caltrans does not find the listing of LMS as a material error.
2. As the protest relates to work codes, Telfer provided a work code of C0624 (Oil Supply). The bulk of the dollar amount listed (\$283,020.00) on the DBE Commitment form relate to the purchase of oil. Granted, Telfer did not list the work code C9774 (Trucking), which equates to \$49,025.00 of the work listed on the DBE Commitment form, but did attach the United Certification Program listing for LMS which includes all LMS work codes.
3. As the protest relates to Telfer improperly completing the DBE Commitment form, the space reserved for "Total number of all subcontracts (DBE & Non DBE)" on the DBE Commitment form is primarily reserved for informational purposes only. Caltrans finds no material error on the DBE Commitment form. Therefore, Telfer properly completed the DBE Commitment form.

Mr. Papich
June 8, 2015
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Based on the above, Caltrans finds Papich's protest does not have merit and will proceed to award the contract to the lowest responsible bidder provided all requirements are met.

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

Sincerely,



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

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

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

Jun 8 2015 03:46pm

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STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

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