

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

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www.dot.ca.gov

*Serious drought.
Help save water!*

June 20, 2016

Facsimile: (661) 554-7272

Eric Landegger
Rasmussen/Meyer and Sons Joint Venture
28548 Livingston Avenue
Valencia, CA 91355

05-4482U4
05-SB-101-2.2/3.3
B.O. 4/27/2016

Dear Mr. Landegger:

The Department of Transportation (Caltrans) received two letters dated May 16 and June 8, 2016 from Matthew J. Weber of Downey Brand Attorneys LLP, on behalf of Rasmussen/Meyers and Sons Joint Venture (Rasmussen/Meyers) protesting the bid submitted by Security Paving Company, Inc. (Security Paving) for the aforementioned contract. The protest alleges that Security Paving's Disadvantaged Business Enterprise (DBE) Commitment form is not consistent with the Subcontractor's List form. Security Paving listed Tipco to perform 100 percent of bid item 127, Drive 48" Steel Pipe Piling on its Subcontractors List form and its bid for this item was \$142,000. Accordingly, it appears that Tipco, based on the quote submitted with the DBE Commitment submittal is only performing 40 percent of the item. In addition, the protest also alleges that Security Paving's listing of two subcontractors to perform 100 percent of bid item 268 is an attempt to circumvent the Listing Law. As such, Rasmussen/Meyers requests Caltrans find the bid submitted by Security Paving nonresponsive.

Caltrans reviewed the bid documents, as well as both protests and does not agree that Security Paving's bid is nonresponsive. As the protest relates to the performance of Tipco, Security Paving has identified this subcontractor as performing 100 percent of bid item 127. The total bid price for an item does not necessarily equate to the subcontractor's costs to perform the item, as the total bid for any item may contain the bidder's profit and overhead.

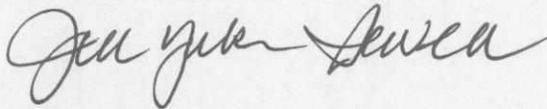
As the protest relates to circumventing the Listing Law, there is no evidence that Security Paving intended to circumvent or violate the Listing Law. Security Paving listed Hi-Light Electric, Inc. (Hi-Light) to perform bid item 268, however; it appears that this was an error as Hi-Light is an electrical subcontractor and does not have the certification or required license to perform striping work. The contractor mistakenly listed the item for Hi-Light, rather than including it as part of the scope of work to be performed by the Chrisp Company, who Security Paving listed as its striper. Security Paving did claim inadvertent error for this item; however it was received after the 48 hour time allotted. Caltrans has informed Security Paving that it must perform this item of work using its own forces. Since Security Paving has an A license, they can self-perform the work per the standards of the contract specifications and subject to the Departments contracts acceptance.

Based on the above findings, Caltrans finds that this protest will have no bearing on the award of this contract.

The Resident Engineer will receive a copy of this letter for Contract Administration and Compliance.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Jill Y. Sewell".

JILL Y. SEWELL
Office Chief
Office Engineer, Construction Contract Awards
Division of Engineering Services

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

P. 1
CAL/TRANS PLANS COUNTER

Jun 20 2016 01:25pm

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STATE OF CALIFORNIA — CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

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