

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 30th STREET
P. O. BOX 168041
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6280
FAX (916) 227-6282
TTY 711



*Flex your power!
Be energy efficient!*

May 17, 2013

Facsimile: (805) 473-2479

Jeffrey Brough, President
Brough Construction Inc.
634 Printz Road
Arroyo Grande, CA 93420

06-0P6304
06-Ker-155-R14.0/41.0
B.O. 04/10/2013

Dear Mr. Brough:

The Department of Transportation (Caltrans) received the attached letter dated April 25, 2013, from Brough Construction Inc. (Brough), responding to Jabre Contracting's (Jabre) protest response. Brough is requesting that Caltrans find Jabre nonresponsive based on Jabre's admission of an inadvertent error on its Subcontractor List.

Caltrans reviewed the bid documents submitted by Jabre and determined that the Subcontractor List, Column 3, should have read 24.7% rather than 5.3% and by Jabre's own admission is in error.

Therefore, Jabre's bid is nonresponsive. Caltrans finds Brough's protest has merit and will proceed to award the contract to the lowest responsible bidder.

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

Sincerely,

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

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

Attachment



634 Printz Road
Arroyo Grande, Ca. 93420
Office (805) 489-7779 · Fax (805) 473-2479

April 25, 2013

State of California
Department of Transportation
MSC 43
Office Engineer
1727 30th Street
Sacramento CA, 95816-6282

Via Fax And US Mail

Facsimile Number 916-227-6282

Attn: John McMillan, Deputy Division Chief

RE: Bid Protest
Contract 06-0P6304
Bid Opening Date 4-10-2013

Please consider this letter a formal response to Jabre Contracting response to Brough Construction Inc formal bid protest regarding contract No. 06-0P6304. Within the response letter from Jabre they admitted that the subcontractor list column 3 percent of bid item subcontracted was computed incorrectly and should be found as a minor irregularity. In the past Caltrans has found other bidders to be non responsive see Attachment "A". In this case Caltrans Contract No. 04-014084 C. Overea & Co. listed percentages that reflected the total amount of their bid rather than a percentage of the bid item subcontracted and was found to be nonresponsive.

Based upon the facts mentioned above Jabre must be deemed non responsive and the contract awarded to the lowest and responsible bidder Brough Construction Inc.

Thank you,
John Souza

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
 1727 30th STREET
 P. O. BOX 168041
 SACRAMENTO, CA 95816-8041
 PHONE (916) 227-6280
 FAX (916) 227-6282
 TTY 711



*Flex your power!
 Be energy efficient!*

ATTACHMENT "A"

February 21, 2013

Facsimile: (510) 237-2435

Larry Etcheverry, Vice President
 C. Overaa & Co.
 200 Parr Boulevard
 Richmond, CA 94801

04-014084
 04-AJa-80-2.2
 B.O. 01/16/2013

Dear Mr. Etcheverry:

The Department of Transportation (Caltrans) received a bid submitted by C. Overaa & Co. (Overaa) for Contract No. 04-014084 on January 16, 2013. By this letter, Caltrans notifies Overaa that its bid is nonresponsive because it failed to properly complete the Subcontractor List form. Specifically, in Column 3, Overaa listed percentages that reflect the total amount of their bid rather than a percentage of the bid item subcontracted, therefore the bid is inaccurate.

The Subcontractor List form states in part, "... Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916) 227-6282 within 24 hours after the bid opening. Failure to provide complete information in columns 1 through 4 within the time specified will result in a nonresponsive bid."

Based on the above action, Caltrans will proceed to award the contract to the lowest responsive bidder, provided that all requirements are met.

Your attention is directed to Section 3-1.02 of the Amendments to the 2006 Standard Specifications. Caltrans is not obligated to offer an extension of the award period for a nonresponsive bid. Should you wish to extend your bid while resolving a nonresponsive finding, you must send your request to the Office Engineer no later than 4:00 p.m., two business days prior to the expiration of your bid.

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

Sincerely,


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

Attachment

"Caltrans improves mobility across California"



634 PRINTZ ROAD
 ARROYO GRANDE, CA. 93420
 OFFICE (805) 489-7779 · FAX (805) 473-2479

FACSIMILE TRANSMITTAL SHEET

To:
 John McMillan

From:
 John Souza

Fax Number: 916-227-6282

Date:
 4-25-2013

COMPANY:

TOTAL NO. OF PAGES INCLUDING COVER:
 3

PHONE NUMBER:

SENDER'S REFERENCE NUMBER:

Re:

YOUR REFERENCE NUMBER:

URGENT

FOR REVIEW

PLEASE COMMENT

PLEASE REPLY

PLEASE RECYCLE

NOTES/COMMENTS:

ATTACHED PLEASE FIND OUR FORMAL RESPONSE
 CONTRACT NO. 06-0P6304 WHICH BID 4-10-13

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

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

May 17 2013 04:29pm

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
918054732479	Normal	17:04:28pm	1'07"	4	* 0 K	

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr. Governor

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 30th STREET
P. O. BOX 168041
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6280
FAX (916) 227-6282
TTY 711



*Flex your power!
Be energy efficient!*

May 17, 2013

Facsimile: (805) 473-2479

Jeffrey Brough, President
Brough Construction Inc.
634 Printz Road
Arroyo Grande, CA 93420

06-0P6304
06-Ker-155-R14.0/41.0
B.O. 04/10/2013

Dear Mr. Brough:

The Department of Transportation (Caltrans) received the attached letter dated April 25, 2013, from Brough Construction Inc. (Brough), responding to Jabre Contracting's (Jabre) protest response. Brough is requesting that Caltrans find Jabre nonresponsive based on Jabre's admission of an inadvertent error on its Subcontractor List.

Caltrans reviewed the bid documents submitted by Jabre and determined that the Subcontractor List, Column 3, should have read 24.7% rather than 5.3% and by Jabre's own admission is in error.

Therefore, Jabre's bid is nonresponsive. Caltrans finds Brough's protest has merit and will proceed to award the contract to the lowest responsible bidder.

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

Sincerely,

A handwritten signature in black ink, appearing to read "J. McMillan".

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

Attachment