



**PETERSON-CHASE**

GENERAL ENGINEERING CONSTRUCTION, INC  
1792 KAISER AVE., IRVINE, CA 92614  
PH# (949) 252-0441 FAX#: (949) 252-0268

**TO:** State of California Department of Transportation

**FROM:** Dick W. Vogels

**DATE:** June 15, 2015

**EMAIL:**

**SUBJECT:** Contract 06-0S8204, Bid Date 5/20/15  
Award Processing Status Incorrect

**ATTN:** OFFICE ENGINEER

**JOB#:** **CONTRACT#:** 06-0S8204

**PH#:**

**FAX#:** 227-6282

**PH#:** (949) 252-0441

**FAX#:** (949) 252-0266

Peterson Chase is questioning why the Caltrans Contract Award Status listing for Contract 06-0S8204 shows "processing award for: FBD Vanguard Construction" (attached).

Caltrans published the attached declaration that FBD Vanguard Construction's bid for Contract 06-0S8204 was non-responsive, and the contract will be awarded to the next lowest responsible bidder, which is Peterson Chase. Accordingly, Contract 06-0S8204 should be awarded to Peterson Chase.

Please confirm our interpretation of these circumstances and call if questions arise.

Sincerely,

Dick Vogels  
Vice President

Home → Contract Awards and Services → Contract Awards Status Result

### Award status for 06-0S8204

Bid opening date: 05/20/2015

DECLARED "NON-RESPONSIVE"  
ON 6-2-15

Processing award for		FBD VANGUARD CONSTRUCTION		
Award recommendation	Requested	05/20/2015	Received	06/04/2015
Civil rights evaluation	Requested	06/02/2015	Received	06/04/2015
Funding certification	Requested	05/21/2015	Received	
	Award date		Approval date	

**A note on the Caltrans award process:**

We have several major milestones we process when preparing a project for award.

- **Bid opening:** This is the event that triggers the award process. Once a bid has opened, we immediately begin looking at the results to process the contract award.
- **Award recommendation:** The district responsible for designing the project will take a look at all the bids submitted and determine whether or not it is in the department's best interest to award the contract, by taking a look at the item prices submitted and the working schedule, if necessary. This can involve calls to the bidders to determine if there were any problems with bids or the contract itself.
- **Civil rights evaluation:** Our Office of Business and Economic Opportunity reviews the UDBE or DVBE submittals on all projects to determine if the project goals have been achieved, or if a good faith effort has been obtained.
- **Funding certification:** Once we have determined a low bidder, we begin an analysis that determines how much of the allocated funding will need to be used to award the contract, and in the case of projects where funding has multiple fund sources, we determine what portion of each allocation will go toward paying for construction.

Once all milestones have been achieved for the bidder we are processing the award for, the contract will be ready to award. We will proceed with the contract award and contract approval. In the event that there is a re-ranking of bidders, both the funding certification and civil rights evaluation will need to be re-processed for the new bidder.

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STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr. Governor

DEPARTMENT OF TRANSPORTATION  
DIVISION OF ENGINEERING SERVICES  
OFFICE ENGINEER  
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PHONE (916) 227-6299  
FAX (916) 227-6282  
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Serious drought.  
Help save water!

June 2, 2015

Facsimile: (925) 245-1007

Dominic Sposeto, CEO  
FBD Vanguard Construction  
651 Enterprise Court  
Livermore, CA 94550

06-0S8204  
06-Fre-41-R25.4  
B.O. 5/20/15

Dear Mr. Sposeto:

The Department of Transportation (Caltrans) received a bid submitted by FBD Vanguard Construction (FBD) for Contract No. 06-0S8204 on May 20, 2015. By this letter, Caltrans notifies FBD that its bid is nonresponsive because of an inconsistency found in the Subcontractor List and the Disadvantaged Business Enterprise (DBE) Commitment form.

The DBE Commitment form states in part, "...names of the First Tier DBE Subcontractors and their respective item(s) of work listed above must be consistent, where applicable, with the names and items of work on the Subcontractor List form submitted with your bid."

On the Subcontractor List form, FBD has identified KRC Safety Co., Inc. as performing the following Bid Items:

- |   |  |
|---|--|
| 2 - Construction Area Signs             | 23 - Roadside Sign – One Post  |
| 3 - Channelizer (Surface Mounted)       | 24 - Furnish Single Sheet Aluminum Sign for Retroreflective Sheeting |
| 5 - Temporary Railing (Type K)          | 25 - Retroreflective Sheeting  |
| 6 - Temporary Crash Cushion Module      | 33 - Alternative Crash Cushion System                                |
| 14 - Remove Roadside Sign Panel         | 37 - Traffic Control System  |
| 22 - Furnish Single Sheet Aluminum Sign |  |

However, on the DBE Commitment form, FBD only listed KRC to perform bid items 5, Temporary Railing (Type K), 33, Alternative Crash Cushion System, and 37, Traffic Control System. The difference of these items is a deviation of the scope of work to be performed by the subcontractor, and constitutes a change, and is in violation of the subcontractor listing laws, as well as the Subcontractor List and DBE Commitment form instructions.

Based on the above, Caltrans will proceed to award the contract to the lowest responsible bidder.

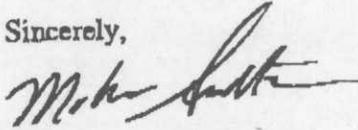
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Mr. Sposeto  
June 2, 2015  
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Your attention is directed to Section 3-1.04 of the Amendments to the 2010 Standard Specifications. Caltrans is not obligated to offer an extension of the award period 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 Manager, at (916) 227-6228.

Sincerely,



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