

**NORTHWEST PAVING, INC**  
8115 SECLUDED VALLEY DRIVE  
REDDING, CA 96001

John C. McMillan, Deputy Division Chief  
Department of Transportation  
Division Of Engineering Service  
Office Engineer  
1727 30th Street  
Sacramento, CA 95816

Contract: 06-0T5904  
Re: VSS International's Bid Protest  
Bid Opening: December 3, 2015

Dear Mr. McMillan,

In regards to the protest letter submitted by VSS International (VSS), claiming Northwest Paving, Inc. (NWP) did not comply with subcontractor listing laws, we find the protest by VSS has no merit and therefore contract 06-0T5904 should be awarded to Northwest Paving, Inc.

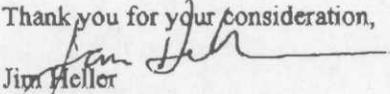
Wells Sweeping is not a General Engineering Contractor. Wells Sweeping is a DVBE Owner Operator Sweeping Company, working as a Owner Operator, and is not required to have a Contractors License.

The current Department of Transportation Electronic Bid Documents does not allow Prime Contractors to list DVBE Owner Operator Sweeping Companies as subcontractors. DVBE Owner Operator Sweepers are not subcontractors and **can not** be listed without a contractors license number. The Electronic Bid Subcontractor Form requires a contractors license number to be entered for a bid to be complete.

Wells Sweeping was listed on the Certified DVBE Summary Page submitted with NWP's Electronic Bid and on the required Certified DVBE Summary documents submitted after the bid opening, as we have done on all electronic bids we have submitted to date.

If you have any questions please call me at 530-515-2600.

Thank you for your consideration,

  
Jim Heller  
President  
Northwest Paving, Inc.

Dec. 18. 2015 10:26AM VSS INTERNATIONAL INC

As. 9855 P.

December 18, 2015



www.slurry.com

John C. McMillan, Deputy Division Chief  
California Department of Transportation  
Division of Engineering Services  
Office Engineer MS 43  
1727 30<sup>th</sup> St.  
Sacramento, CA 95816  
Fax: 916-227-6282

Contract: 06-015904  
Re: Bid Protest of Low Bidder  
Bid Opening: December 3, 2015 2:00 P.M.

Dear Mr. McMillan,

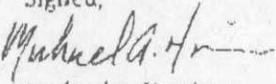
Please consider this letter from VSS International a formal protest of the bid submitted by the first monetary low bidder, Northwest Paving Inc. (Northwest Paving). Northwest Paving's Certified DVBE Summary is inconsistent with their Subcontractor list, and fails to comply with subcontractor listing laws and DVBE Commitment form instructions.

The Certified DVBE Summary states, "Names of first tier DVBE subcontractors and their items of work listed must be consistent with the names and items of work in the Subcontractor List (Pub Cont Code § 4100 et seq.) submitted with bid."

Northwest Paving listed Wells Sweeping on its Certified DVBE Summary (**Exhibit A**) to furnish equipment and operator services involving sweeping of screenings and sand, but failed to list Wells Sweeping on the Subcontractor List form (**Exhibit B**).

Caltrans requirements state that a company that is providing equipment rental with operator services to be listed on the Subcontractor list (**Exhibit C**). Wells Sweeping was not listed on the Subcontractor list. Northwest Paving's failure to list Wells Sweeping on the Subcontractor list is a violation of the Subletting and Subcontracting Fair Practices Act, and should render Northwest Paving's bid non-responsive. Caltrans rejection of Northwest Paving's bid would be consistent with past practice (**Exhibit D**).

Thank you for your time and consideration of this bid protest. Should you have any questions please do not hesitate to call.

Signed,  
  
Michael A. Harrison  
Estimator  
VSS International

**VSS INTERNATIONAL, INC.**  
P.O. BOX 981330 - WEST SACRAMENTO, CA 95798, USA  
PHONE (916) 373-1500 • FAX NO. (916) 373-1438  
CONTRACTOR'S LICENSE NO. CA 293727A • AZ 285579A • ID 13304-AAA-4(47)  
NV 0014802A • OR 65821 • WA VSSIN11875JW  
**PAVEMENT MAINTENANCE SPECIALISTS**

8115 Secluded Valley Drive  
Redding, CA 96001  
(530)246-4388 ph.  
(530)246-4109 fax.  
Lic. 822128

## Northwest Paving, Inc.

# Fax

|   |                         |
|---|-------------------------|
| <b>To:</b> DEPARTMENT OF TRANSPORTATION | <b>From:</b> Jim Heller |
| <b>Attn:</b> JOHN c. mCmILLAN           | <b>Pages:</b>           |
| <b>FAX:</b> 1-916-227-6282              | <b>Date:</b> 1/7/2016   |
| <b>Re:</b> 11-2M6504 06-0T5904          | <b>cc:</b>              |

**Urgent For Review    Please Comment    Please Reply**  
**Comments:**