

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER
P.O. BOX 168041, MS-43
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6299
FAX (916) 227-6282
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www.dot.ca.gov



*Serious drought.
Help save water!*

February 27, 2015

Facsimile: (916) 334-0562

Edmundo A. Puchi, Treasurer
MCM Construction, Inc.
6413 32nd Street
North Highlands, CA 95660

06-432604
06-Fre-33-10.9/11.1
B.O. 11/09/14

Dear Mr. Puchi:

The Department of Transportation (Caltrans) received a letter dated February 11, 2015, from MCM Construction, Inc. (MCM) protesting the bid submitted by Myers & Sons Construction, LP (Myers) and Viking Construction Company (Viking). The protest alleges that Myers expanded the scope of work to be performed by Papich Company (Papich). Myers, on bid day listed Papich to perform work described as Lead Compliance Plan (LCP), Sweeping, Underground, Cold Plane, HMA, AC Dike, Tack Coat, and RSP. On the 24 hour submittal, listed Myers added Bid Items, 11, 34, 35, and 43 (Temporary Crash Cushion, Clearing and Grubbing, Roadway Excavation, Class 2 Aggregate Base), which are not related to the description of work provided on bid day. In addition, Myers made a change to its 24 hour submittal by omitting LCP from the work to be performed by Papich. Lastly, the protest alleges that Viking submitted an inconsistent Disadvantaged Business Enterprise (DBE) Commitment form and Subcontractor list form.

Caltrans conducted a review of the bid documents submitted by Myers and found that the work described as LCP and Sweeping are services, and it is not required to list these items on the Subcontractors List form. These services are not defined by the Business and Professional Code for that of a contractor and these items of work are not considered items of work subject to the Public Contract Code 4100 (et.seq).

With regard to the remaining items of work to be performed by Papich, Bid Item 11 Temporary Crash Cushion was identified by Myers as work to be performed by both Papich and KRC Traffic Safety Co., Inc. with a percentage of work exceeding 100%. As such, Myers must self perform this item using its own forces. Additionally, Myers must also self perform Bid Items 30, 31, and 32 (Remove Down drain, Adjust Utility Cover to Grade and Cold Plane) as these items were identified as work to be performed by both Papich and W.C. Maloney with a percentage of work exceeding 100%.

With regard to Bid Items 34, 35 and 43 (Clearing and Grubbing, Roadway Excavation, Class 2 Aggregate Base), Caltrans has determined that a nexus exists between clearing and grubbing and the rock slope protection. Additionally, the roadway excavation and aggregate base is associated with the hot mix asphalt items.

Caltrans did not review this protest as it pertains to Viking Construction, since the bid submitted by Viking Construction was not evaluated for contract award.

Based on the above, Caltrans will proceed to award this contract to lowest responsive and responsible bidder, provided that all requirements have been met.

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

Sincerely,



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

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

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

Feb 27 2015 04:09pm

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
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STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

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