



Main Office

P.O. BOX 620 / 6413 32nd Street / North Highlands / CA 95660
(916) 334-1221 Estimating / Engineering FAX (916) 334-0562
Accounting FAX (916) 334-8355

Southern California Regional Office

P.O. BOX 867 / 19010 Slover Ave. / Bloomington / CA 92316
(909) 875-0533 Engineering / Accounting FAX (909) 875-2243

Via Facsimile (916) 227-6282

December 1, 2014

State Of California
Department Of Transportation
1727 30th Street, Bidder Exchange, MS 43
Sacramento CA 95816-8041

Attn: John C. McMillan, Deputy Division Chief, Office Engineer

Re: Contract No. 06-432604
Route 33, Jacalitos Bridge Replacement, Coalinga CA
BID PROTEST

Gentlemen:

Please consider this letter to be a formal protest of the bids submitted by Souza Construction, Inc. and Emmett's Excavation, Inc, the low and second lowest bidders, respectively, in connection with Contract No. 06-432604. MCM Construction, Inc. is currently the third lowest bidder.

SOUZA EXPANDED THE SCOPE OF LISTED SUBCONTRACTORS AFTER THE BID

Souza's identified subcontractor item numbers after the bid which expanded the subcontractor's scope of work, given the descriptions of work submitted with their bid as follows:

Betancourt Bros Electric Construction was listed for "Temp Signal". The next day, Souza identified Item 8 and 76. Item 76, Roadside Weather Information System, cannot be described as "Temp Signal" and, therefore, Souza expanded the scope of Betancourt's work.

Statewide Safety & Signs was listed for "Signs And Markers". The next day, Souza identified Items 2, 6, 11, 66, and 67. Item 6, Channelizer (Surface Mounted), and Item 11, Temporary Crash Cushion Module, are not "Signs And Markers" and, therefore, Souza expanded the scope of Statewide's work.

Additionally, as stated by Caltrans in your November 20, 2014, non-responsive bid finding, Souza added an item of work to Safeguard Fence on the DBE Commitment that was not included on their 24 hour submittal.

EMMETT'S EXPANDED THE SCOPE OF LISTED SUBCONTRACTORS AFTER THE BID

Emmett's identified subcontractor item numbers and percentages after the bid which expanded the subcontractor's scope of work, given the descriptions of work submitted with their bid as follows:

Page Two
John McMillan, Deputy Division Chief
State Of California, Department Of Transportation
December 1, 2014

Re: 06-432604 Bid Protest

J & M Land Restoration was listed for "Erosion Control". On the next day, Emmett's identified among others, Item 21, Temporary Fence (Type ESA), which is not "Erosion Control". Therefore, Emmett's expanded the scope of work for J & M Land after the bid.

Betancourt Bros Construction was listed for "Temporary Signal System". On the next day, Emmett's included Item 76, Roadside Weather Information System, which is not a signal system, and therefore, Emmett's expanded the scope of Betancourt's work after the bid.

All Steel Fence was listed for "Fence - Partial". On the next day, Emmett's identified Items 24, 25, and 65 along with 100% for each of the three items. The change from "partial" to 100 percent expands the scope of work to be performed by All Steel Fence.

Hunsaker Safety & Sign, Inc was listed for "Traffic Control - Partial". On the next day, Emmett's identified Items 2, 3, 9, 11, and 67 along with 100% for each of the items. Item 2, Construction Area Signs and Item 11, Temporary Crash Cushion Module, are not "traffic control". Consequently, Emmett's expanded the scope of Hunsaker's work after the bid. Also, the change from "partial" to 100 percent also expands the scope of work to be performed by Hunsaker after the bid.

SUMMARY

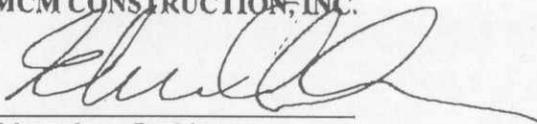
Caltrans has consistently found bidders non-responsive on contracts too numerous to list for expanding the scope of listed subcontractors by identifying bid numbers after the bid for items not consistent with the listed description of work and for identifying the percentage of work as 100 percent after the bid when the bid day description or work qualified the scope as "partial".

Given all the above, Caltrans should find the bids of Souza Construction, Inc. and Emmett's Excavation, Inc. nonresponsive and award Contract 06-432604 to MCM Construction, Inc, the lowest responsive bidder.

Please contact the undersigned, should you have any questions or comments.

Sincerely,

MCM CONSTRUCTION, INC.



Edmundo A. Puchi
General Counsel & Treasurer

/rm

Enclosure

Cc: JAC, HDM, RM, Bid File

STAT Nov. 7, 2014 1:33PM Received PAR Souza Construction, Inc. ON
Contract No.: 06-432604 Project ID: 0600020388
Bidder Name: Souza Construction, Inc.
SUBCONTRACTOR LIST
DES-OE-0102.2B (REV 5/2014)

Nov 7 2014 01:41pm No. 4473 P. 2
Bidder ID: VC0000015921

Bidding Firm: Souza Construction, Inc.

Under Public Contract Code § 4100 et seq., the Bidder must set forth in the bid the name, the location of the place of business, the California contractor license number, and the portion of work of each subcontractor who will perform work or labor or render service to the prime contractor in or about the construction of the work or improvement, or a subcontractor licensed by the State of California who, under subcontract to the prime contractor, specially fabricates and installs a portion of the work or improvement according to detailed drawings contained in the plans and specifications, in an amount in excess of one-half of 1 percent of the prime contractor's total bid or ten thousand dollars (\$10,000), whichever is greater.

The Bidder must submit within 24 hours of the bid opening the bid item numbers with percentages of the portion of work subcontracted.

a Not required on contracts with Federal-Aid.

List this sub? Yes

1) Business Name Bentancourt Bros. Construction, Inc.
Location City Livermore State CA
California Contractor License Number (a) 854851
Description of Portion of Work

Temp Signal

Bid Item Numbers 8, 76

Percentage of Bid Item Subcontracted 100%

Bid Item Numbers

Percentage of Bid Item Subcontracted

Nov. 7. 2014 1:33PM Received Souza Construction, Inc.

Nov 7 2014 01:41pm No. 4473 P. 4

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
Contract No.: 06-432604 Project ID: 0600020388
Bidder Name: Souza Construction, Inc.
List this sub? Yes

Bidder ID: VC0000015921

4) Business Name Safeguard Fence
Location City Corona State CA
California Contractor License Number (a) 849895
Description of Portion of Work

Fence and Guard Rail
Bid Item Numbers 23, 24, 25, 27, 65, 68, 70, 71

Percentage of Bid Item Subcontracted 100%

Bid Item Numbers 77

Percentage of Bid Item Subcontracted 2.7%

Bid Item Numbers

Percentage of Bid Item Subcontracted

Bid Item Numbers

Percentage of Bid Item Subcontracted

Bid Item Numbers

Percentage of Bid Item Subcontracted

List this sub? Yes

5) Business Name Statewide Safety & Signs
Location City Fresno State CA
California Contractor License Number (a) 975518
Description of Portion of Work

Signs and Markers
Bid Item Numbers 2, 6, 11, 66, 67

Percentage of Bid Item Subcontracted 100%

Bid Item Numbers

Percentage of Bid Item Subcontracted

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 06-432604 Project ID: 0600020388

Bidder Name: Souza Construction, Inc.

Bidder ID: VC0000015921

SUBCONTRACTOR LIST

DES-OE-0102.2B(REV 5/2014)

Bidding Firm: Souza Construction, Inc.

Under Public Contract Code 4100 et seq., the Bidder must set forth in the bid the name, the location of the place of business, the California contractor license number, and the portion of work of each subcontractor who will perform work or labor or render service to the prime contractor in or about the construction of the work or improvement, or a subcontractor licensed by the State of California who, under subcontract to the prime contractor, specially fabricates and installs a portion of the work or improvement according to detailed drawings contained in the plans and specifications, in an amount in excess of one-half of 1 percent of the prime contractor's total bid or ten thousand dollars (\$10,000), whichever is greater.

The Bidder must submit within 24 hours of the bid opening the bid item numbers with percentages of the portion of work subcontracted.

a Not required on contracts with Federal-Aid.

List this sub? Yes

1) Business Name Bentancourt Bros. Construction, Inc.

Location City Livermore State CA

California Contractor License Number (a) 854851

Description of Portion of Work

Temp Signal

Bid Item Numbers

Percentage of Bid Item Subcontracted

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
Contract No.: 06-432604 Project ID: 0600020388
Bidder Name: Souza Construction, Inc.

Bidder ID: VC0000015921

List this sub? Yes

4) Business Name Safeguard Fence
Location City Corona State CA
California Contractor License Number (a) 849895
Description of Portion of Work

Fence and Guard Rail

Bid Item Numbers

Percentage of Bid Item Subcontracted

List this sub? Yes

5) Business Name Statewide Safety & Signs
Location City Fresno State CA
California Contractor License Number (a) 975518
Description of Portion of Work

Signs and Markers

Bid Item Numbers

Percentage of Bid Item Subcontracted

From:

11/07/2014 10:19

#039 P.004/007

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 06-432604 Project ID: 0600020388

Bidder Name: Emmett's Excavation, Inc.

Bidder ID: VC0000103869

List this sub? Yes

4) Business Name SAFETY STRIPING SERVICE, INC.

Location City GOSHEN State CA

California Contractor License Number (a) 308669

Description of Portion of Work

TRAFFIC STRIPING AND PAVEMENT MARKINGS

Bid Item Numbers

1, 3, 4, 5, 7

Percentage of Bid Item Subcontracted

100, 100, 100, 100, 100

Bid Item Numbers

22, 28, 29, 73

Percentage of Bid Item Subcontracted

100, 100, 100, 100

Bid Item Numbers

74, 75

Percentage of Bid Item Subcontracted

100, 100

Bid Item Numbers

Percentage of Bid Item Subcontracted

Bid Item Numbers

Percentage of Bid Item Subcontracted

List this sub? Yes

5) Business Name J & M LAND RESTORATION, INC.

Location City BAKERSFIELD State CA

California Contractor License Number (a) 508089

Description of Portion of Work

EROSION CONTROL

Bid Item Numbers

15, 21, 38, 39, 40

Percentage of Bid Item Subcontracted

100, 100, 100, 100, 100

Bid Item Numbers

41, 42

Percentage of Bid Item Subcontracted

100, 100

Bid Item Numbers

Percentage of Bid Item Subcontracted

Bid Item Numbers

Percentage of Bid Item Subcontracted

Bid Item Numbers

Percentage of Bid Item Subcontracted

From:

11/07/2014 10:19

#039 P.005/007

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 06-432604 Project ID: 0600020388

Bidder Name: Emmett's Excavation, Inc.

Bidder ID: VC0000103869

List this sub? Yes

6) Business Name P C & N CONSTRUCTION, INC.

Location City BYRON State CA

California Contractor License Number (a) 771652

Description of Portion of Work

MBGR

Bid Item Numbers

23, 27, 68, 70, 71

Percentage of Bid Item Subcontracted

100, 100, 100, 100, 100

Bid Item Numbers

Percentage of Bid Item Subcontracted

List this sub? Yes

7) Business Name BETANCOURT BROS. CONSTRUCTION, INC.

Location City LIVERMORE State CA

California Contractor License Number (a) 854851

Description of Portion of Work

TEMPORARY SIGNAL SYSTEM

Bid Item Numbers

8, 76

Percentage of Bid Item Subcontracted

100, 100

Bid Item Numbers

Percentage of Bid Item Subcontracted

From:

11/07/2014 10:19

#039 P.006/007

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 06-432604 Project ID: 0600020388

Bidder Name: Emmett's Excavation, Inc.

Bidder ID: VC0000103869

List this sub? Yes

8) Business Name ALL STEEL FENCE, INC.

Location City LATHROP State CA

California Contractor License Number (a) 710512

Description of Portion of Work

FENCE - PARTIAL

Bid Item Numbers

24, 25, 65

Percentage of Bid Item Subcontracted

100, 100, 100

Bid Item Numbers

Percentage of Bid Item Subcontracted

List this sub? Yes

9) Business Name HUNSAKER SAFETY & SIGN, INC.

Location City FRESNO State CA

California Contractor License Number (a) 980750

Description of Portion of Work

TRAFFIC CONTROL - PARTIAL

Bid Item Numbers

2, 3, 9, 11, 67

Percentage of Bid Item Subcontracted

100, 100, 100, 100, 100

Bid Item Numbers

Percentage of Bid Item Subcontracted

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 06-432604 Project ID: 0600020388

Bidder Name: Emmett's Excavation, Inc.

Bidder ID: VC0000103869

List this sub? Yes

4) Business Name SAFETY STRIPING SERVICE, INC.

Location City GOSHEN State CA

California Contractor License Number (a) 308669

Description of Portion of Work

TRAFFIC STRIPING AND PAVEMENT MARKINGS

Bid Item Numbers

Percentage of Bid Item Subcontracted

List this sub? Yes

5) Business Name J & M LAND RESTORATION, INC.

Location City BAKERSFIELD State CA

California Contractor License Number (a) 508089

Description of Portion of Work

EROSION CONTROL

Bid Item Numbers

Percentage of Bid Item Subcontracted

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 06-432604 Project ID: 0600020388

Bidder Name: Emmett's Excavation, Inc.

Bidder ID: VC0000103869

List this sub? Yes

6) Business Name P C & N CONSTRUCTION, INC.
Location City BYRON State CA
California Contractor License Number (a) 771652
Description of Portion of Work

MBGR

Bid Item Numbers

Percentage of Bid Item Subcontracted

List this sub? Yes

7) Business Name BETANCOURT BROS. CONSTRUCTION, INC.
Location City LIVERMORE State CA
California Contractor License Number (a) 854851
Description of Portion of Work

TEMPORARY SIGNAL SYSTEM

Bid Item Numbers

Percentage of Bid Item Subcontracted

DEC. 1. 2014 4:49PM MCM CONSTRUCTION

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 06-432604 Project ID: 0600020388

Bidder Name: Emmett's Excavation, Inc.

Bidder ID: VC00000103869

List this sub? Yes

8) Business Name ALL STEEL FENCE, INC.
Location City LATHROP State CA
California Contractor License Number (a) 710512
Description of Portion of Work

FENCE - PARTIAL

Bid Item Numbers

Percentage of Bid Item Subcontracted

List this sub? Yes

9) Business Name HUNSAKER SAFETY & SIGN, INC.
Location City FRESNO State CA
California Contractor License Number (a) 980750
Description of Portion of Work

TRAFFIC CONTROL - PARTIAL

Bid Item Numbers

Percentage of Bid Item Subcontracted

Bid Item Numbers

Percentage of Bid Item Subcontracted