

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!*

June 10, 2013

Facsimile: (805) 483-2001

Sean Castillo
Toro Enterprises Inc.
P.O. Box 6285
Oxnard, CA 93031

07-1W0804
07-Ven-23-20.9/24.2
B.O. 04/25/13

Dear Mr. Castillo:

The Department of Transportation (Caltrans) received a bid submitted by Toro Enterprises Inc. (Toro) for Contract No. 07-1W0804 on April 25, 2013. By this letter, Caltrans notifies Toro that its bid is nonresponsive because of a revision made to the Subcontractor List.

The bid items in column 2 of the Subcontractor List form are not consistent with the description of subcontracted work in column 4 of the Subcontractor List form.

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."

On the original submitted Subcontractor List Toro identified Traffic Loops Crackfilling Inc. (Traffic Loops) as only performing item 37 (Inductive Loop Detector). However, on the 24-hour submission Toro added bid items 36 (Maintaining Existing Traffic Management System Elements during Construction) and item 37 (Inductive Loop Detector). Toro also changed the description of the work in Column 4. The addition of item 36 combined with the change in description of work in Column 4 constitutes an improper change to the Subcontractor List form and is in violation of the subcontractor listing laws as well as the Subcontractor List instructions.

In addition, Caltrans received a response provided by Toro on May 29, 2013, addressing the protest submitted by Granite Construction Company. Caltrans did not review the response since the bid submitted by Toro was found nonresponsive.

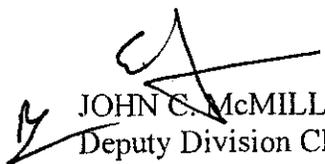
Based on the above, Caltrans will proceed to award the contract to the lowest responsible bidder.

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.

Sean Castillo
June 10, 2013
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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

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
DES-DE-0102.2 (REV 3/2011)Bidder Name: Toro Enterprises, Inc.

The bidder must identify each subcontractor performing work in an amount in excess of 1/2 of 1 percent of the total bid or \$10,000, whichever is greater (Pub Cont Code § 4100 et seq.). Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916) 227-8282 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.

Column 1: Business Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
Maneri Traffic Control 47423 Rainbow Canyon Temecula, CA 92592	2	100%	Construction Area Signs
Traffic Loops Crackfilling Inc. 946 S. Emerald Street Anaheim, CA 92804	36, 37	100%	Inductive loop detectors Maintain Existing TMS Elements
Austin Enterprise PO Box 81926 Bakersfield, CA 93380	27 28	100% 100%	Seal Pavement Joints Seal Isolation Joints
Chrip Company 2280 South Lilac Ave. Bloomington, CA 92316	1 7-10 29-35	100% 100% 100%	Lead Compliance Plan remove thermo markings striping, pavement marking
Pavement Recycling Systems 10240 San Savaine way Jurupa Valley, CA 91752	15 16 17	100% 100% 100%	Cold In-Place Recycling Cement Additive Emulsified Recycling Agent
Asphalt Dike Construction Inc. (APCO) PO Box 490 Crosby, CA 93227	23 24	26% 26%	Place Asphalt Concrete Dike Place Asphalt Concrete Dike

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Maneri Traffic Control 47432 Rainbow Cyn Temecula, CA 92592	3,	100%	Construction Area Signs
Chrisp Company 2280 South Lilac Ave Rialto, CA 92316	1, 7-10, 29-35		Striping
Traffic Loops Crackfilling Inc. 746 S. Emerald St Anaheim, CA 72804	37		Traffic Loops
Austin Enterprise PO Box 81926 Bakersfield, CA 93380	27, 28		Joint Sealant
Pavement Recycling Systems 10240 San Savaine Way Jurupa Valley, CA 91752	15, 16, 17		Cold-in-place recycling
Asphalt Dike Const (APCO) PO Box 790 Groshen, CA 93227	23, 24		Asphalt Dike

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

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CALTRANS CONTR AWARDS Fax 916-227-6282

Jun 10 2013 04:57pm

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STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

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DIVISION OF ENGINEERING SERVICES
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