

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER

1727 30th STREET, MS-43

P.O. BOX 168041

SACRAMENTO, CA 95816-8041

PHONE (916) 227-6299

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www.dot.ca.gov



*Serious drought.
Help save water!*

May 27, 2016

Facsimile: (916) 334-8355

Richard McCall, Vice President

MCM Construction, Inc.

P.O. Box 620

North Highlands, CA 95660

07-2159U4

07-LA-5-0.1/1.5

B.O. 4/27/2016

Dear Mr. McCall:

The Department of Transportation (Caltrans) received a letter dated May 17, 2016, from MCM Construction, Inc. (MCM) protesting the bids submitted by Security Paving Company, Inc. (Security Paving) and Shimmick Construction (Shimmick) for the above aforementioned contract. The protest alleges that the Subcontractor List form for both Security Paving and Shimmick are inconsistent with the Disadvantaged Business Enterprise (DBE) Commitment forms as follows:

Contractor	Subcontractor	Bid Items Listed Subcontractors List Form	Subcontractors List Form bid items not listed
Security Paving	Diversified Landscape Co	44, 94 through 130	
Security Paving	Tipco Engineering	142, 143, 145 - 150	144

Contractor	Subcontractor	Bid Items Listed DBE Commitment Form	DBE Commitment Form bid items not included
Security Paving	Diversified Landscape Co	44, 95, 104-130	94, 96 - 103
Security Paving	Tipco Engineering	142 - 150	144

As the protest relates to Security Paving, Caltrans reviewed both the Subcontractors List form and DBE Commitment form and finds the following:

1. With respect to the Subcontractors List form, Security Paving clearly identified Tipco Engineering for the items listed above and did not include bid item 144, which was listed to be performed by Malcolm Drilling.

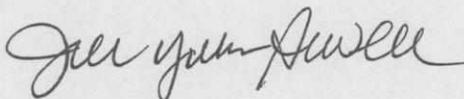
2. As the protest relates to the DBE Commitment form, Security Paving listed work to be performed by Tipco as bid items 142 – 150, using a dash to signify the listing of consecutive items. However, Security Paving appears to have erred in its inclusion of bid item 144. Bid Item 144 was not included on the Subcontractor List form, the quote provided with the submittal or the DBE written confirmation. Therefore, Caltrans has determined the listing of Bid Item 144 on the DBE Commitment Form to be an immaterial deviation as it is apparent from the documents provided with the bid and the DBE Commitment establish that Bid Item 144 was not intended to be part of the scope of work for Tipco. Caltrans therefore waives the immaterial deviation.
3. As the protest relates to the work to be performed by Diversified Landscape, specifically bid items 94, 96 – 103, Security Paving did list these items on the Subcontractors List form, however; omitted these items from the DBE Commitment form because Diversified is not certified to perform these items. As such, Security Paving would not receive participation credit for these items of work. There is no error in this listing.

Caltrans did not review the protest as it concerns Shimmick, since Security Paving has met the requirements for award of this contract.

As such, this protest will have no bearing on the award of the contract, and Caltrans will proceed to award this contract to Security Paving, the lowest responsive and responsible bidder.

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

Sincerely,



JILL Y. SEWELL
Office Chief
Office Engineer, Construction Contract Awards
Division of Engineering Services

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

P.1
CAL/TRANS PLANS COUNTER

May 27 2016 10:38am

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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