

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER

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*Serious drought.
Help save water!*

February 6, 2015

Facsimile: (818) 362-9300

Joseph Ferndino, Vice President
Security Paving Company, Inc.
13170 Telfair Avenue
Sylmar, CA 91342

07-2881U4
07-LA-210-R16.1/R25.8
B.O. 10/16/14

Dear Mr. Ferndino:

The Department of Transportation (Caltrans) received a protest letter dated October 28, 2014, from Security Paving Company, Inc. (Security Paving), protesting the bid submitted by Flatiron West, Inc. (Flatiron). The protest alleges that Flatiron increased the scope of work for two subcontractors and failed to list subcontractors that were claimed for Disadvantaged Business Enterprise (DBE) participation.

At the time of bid Flatiron identified, among other subcontractors on its Subcontractor List, American Civil Constructors West Coast, Inc. (American Civil) and Morales Contracting Services (MCC). These subcontractors were listed as follows:

Subcontractor Business Name <small>(Required information at time of bid)</small>	Description of Portion of Work <small>(Required information at time of bid)</small>	Bid Items Numbers <small>(Required information 24 hours after bid opening)</small>	Bid Item Number & Descriptions
American Civil	Bridge Deck Repair and Related (Partial)	29, 56, 58, 59, 111	29 - Public Safety Plan 56 - Prepare Concrete Bridge Deck Surface 58 - Furnish Polyester Concrete Overlay 111 - High Friction Surface Treatment.
MCC	PCC Saw and Seal and Related (Partial)	45, 121, 123, 124, 125, 229	45 - Remove Concrete Pavement 121 - Jointed Plain Concrete Pavement 123 - Precast Jointed Concrete Pavement 124 - Shoulder Concrete Pavement 125 - Individual Precast Slab Replacement 229 - Isolation Joint Seal

Security Paving alleges that Bid Item 111(High Friction Surface Treatment) is not related to the Description of the Portion of Work for American Civil, Bridge Deck Repair and Related (Partial), because the treatment is not applied to the structure, but is applied to both the west bound and east bound connectors.

The protest also alleges that the scope of work for Morales Contracting Services (MCC) was increased on the 24-hour submission of the Subcontractor List because the Description of the Portion of Work identified for (MCC), PCC Saw and Seal and Related (Partial), does not include bid item 45, Remove Concrete Pavement.

Finally, the protest alleges that Flatiron did not list four of the Disadvantaged Business Enterprise (DBE) subcontractors on the Subcontractor List form.

With respect to Security Paving's allegation that the listing of American Civil on the Subcontractors List form was inconsistent between the two submittals, Caltrans disagrees. Addendum 1 dated August 27, 2014, the specification for the HFST was replaced with language that addressed work described as concrete surface preparation for the application of the HFST and was based on the Standard Specification for Bridge Deck Rehabilitation. Therefore, a reasonable nexus can be drawn between Flatiron's listing of HFST as relating to the Description of Work of "Bridge Deck Repair and Related (Partial)".

As this protest relates to the listing of MCC for bid item 45, Caltrans determined that a nexus does exist between the description of the portion of work "PCC Saw and Seal and Related (partial)" and bid item 45, Remove Concrete Pavement as the removal operation is preceded by the saw cutting work.

With respect to the protest regarding Flatiron's failure to list the subcontractors shown on the DBE Commitment form on the Subcontractor's List form, the listing threshold for this project based on Flatiron's bid was \$527,473.56, which is 1/2 of 1 percent of the total bid amount of \$105,494,711.78.

A review of the DBE Commitment form lists the claimed DBE participation for the following as; J. Francis Co. Inc., \$375,540.00. A.C. Dike Co., \$163,487.50, CGO Construction Co. Inc., \$72,300.00 and Landscape Support Services, Inc. \$133,805.50. These listed amounts do not meet the requirement for listing under the Public Contract Code, and Flatiron was therefore not required to list those specific subcontractors on the Subcontractor List form.

Based on the above conclusions, Caltrans has determined that the protest from Security Paving has no merit and Caltrans will proceed to award this contract to the lowest responsive and responsible bidder, provided that all requirements have been met.

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

Sincerely,



P 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 6 2015 03:37pm

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STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

ROMUND G. BROWN Jr., Governor

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