



PETERSON-CHASE

GENERAL ENGINEERING CONSTRUCTION, INC
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TO: Department of Transportation
Division of Engineering Services Office Engineer

FROM: Dick W. Vogels

DATE: July 11, 2014

EMAIL:

SUBJECT: Response to Bid Protest

ATTN: JOHN C. MCMILLAN

JOB#: **CONTRACT#:** 07-295704

PH#:

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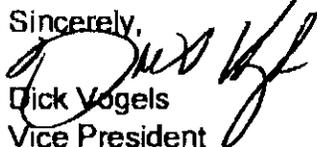
FAX#: (949) 252-0266

Peterson Chase hereby responds to J. McLoughlin Engineering Co.'s bid protest as follows:

The addition of the work item "LCP" to the striping subcontractor's scope of work on our final Subcontractor List does not materially affect the scope of actual "subcontracted work".

- The LCP is a part of the process of stripe removal, which is what Cal Stripe was listed for. Accordingly, LCP listing is consistent with the stripe removal description of work, as per Special Provisions Section 15-1.03B (attached). LCP is not a new item listing. It is part of Stripe Removal.
- Preparation of a LCP, Lead Compliance Plan, does not require any physical presence of workers or personnel on the job site. Accordingly, listing of LCP has no effect on the actual work performed in the field. This is a non-issue.
- The value of the bid item for LCP is only \$1,000.00. This is not even required to be listed, since it is less than 1/2 of 1 percent of the total bid. Again, this is a non-issue.

In summary, the issue of listing Cal Stripe with the added "LCP" is a non-issue. A Lead Compliance Plan does not even fall into the category of "subcontracting". The LCP is part of the listed "stripe removal", consistent with the scope listed at bid time. Also, since the LCP bid item was only \$1,000.00, it is well below the 1/2 of 1 percent requirement for listing subcontractors. Accordingly, there is no "improper change to the Subcontractor List form", and Contract 07-295704 should be awarded to Peterson Chase.

Sincerely,

Dick Vogels
Vice President

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- 3. 1 year of generation if stored in a water-resistant container or within 90 days after the container is full, whichever is shorter
- 4. 1 year of generation if storing in a storage building as defined in 22 CA Code of Regs, Div. 4.5, Chp. 34, § 67386.6(a)(2)(C)

14-11.09D Payment
Not Used

15 EXISTING FACILITIES

Replace section 15-1.03B with:

15-1.03B Residue Containing Lead from Paint and Thermoplastic

← STRIPE REMOVAL

Residue from grinding or cold planing contains lead from paint and thermoplastic. The average lead concentrations are less than 1,000 mg/kg total lead and 5 mg/L soluble lead. This residue:

- 1. Is a nonhazardous waste
- 2. Does not contain heavy metals in concentrations that exceed thresholds established by the Health and Safety Code and 22 CA Code of Regs
- 3. Is not regulated under the Federal Resource Conservation and Recovery Act (RCRA), 42 USC § 6901 et seq.

Submit a lead compliance plan under section 7-1.02K(6)(G)(II).

← FOR STRIPE REMOVAL

Payment for a lead compliance plan is not included in the payment for existing facilities work.

Payment for handling, removal, and disposal of grinding or cold planing residue that is a nonhazardous waste is included in the payment for the type of removal work involved.

Replace section 15-2.02B(3) with:

15-2.02B(3) Cold Planing Asphalt Concrete Pavement

15-2.02B(3)(a) General

Schedule cold planing activities to ensure that cold planing, placement of HMA, and reopening the area to traffic is completed during the same work shift.

If you do not complete HMA placement before opening the area to traffic, you must:

- 1. Construct a temporary HMA taper to the level of the existing pavement
- 2. Place HMA during the next work shift
- 3. Submit a corrective action plan that shows you will complete cold planing and placement of HMA in the same work shift. Do not restart cold planing activities until the Engineer approves the corrective action plan.

15-2.02B(3)(b) Materials

Use the same quality of HMA for temporary tapers that is used for the HMA overlay or comply with the specifications for minor HMA in section 39.

15-2.02B(3)(c) Construction

15-2.02B(3)(c)(I) General

Do not use a heating device to soften the pavement.

The cold planing machine must be:

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