

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER

P.O. BOX 168041, MS-43

SACRAMENTO, CA 95816-8041

PHONE (916) 227-6299

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www.dot.ca.gov



*Serious drought.
Help save water!*

November 25, 2014

Facsimile: (714) 538-5157

Kristi Stelle, Vice President of Operations
Highland Construction, Inc.
133 North Pixley Street
Orange, CA 92868

07-3X8204
07-LA-39-21.7, 22.0
B.O. 10/16/14

Dear Ms. Stelle:

The Department of Transportation (Caltrans) received a letter dated November 3, 2014, from Highland Construction, Inc. (Highland), protesting the bid submitted by Chumo Construction, Inc. (Chumo). The protest alleges that Chumo failed to adequately list the true percentage of work being subcontracted to Flatiron and did not include Bid Item 52, Mobilization as part of the total costs. In addition, Chumo failed to accurately list the true percentage of work being performed by Condon-Johnson and further alleges that Condon-Johnson does not have the required paint certification to perform 100 percent of the work required for this item.

Caltrans 2010 Revised Standard Specifications, Section 2-1.33C states in part, "...*The Subcontractor List must show the name, address, and work portions to be performed by each subcontractor listed. Show work portions by bid item number, description, and percentage of each bid item subcontracted.*

As the protest relates to Flatiron, Caltrans evaluates all bid based on the face of the bid. The quote referred to in this protest was not a part of the bid received from Chumo and cannot be considered in determining whether the bid was responsive. Based on the information contained in the bid, it is Caltrans' determination that Chumo properly listed Flatiron. As Highland's protest relates to the failure of Chumo to list Mobilization as a bid item for Flatiron's work, Mobilization is not defined by the Business and Professions Code as work requiring a contractor's license. Therefore, this item is not considered work subject to the Public Contract Code 4100 (et.seq) and is not required to be listed on the Subcontractor List form. It is therefore Caltrans' determination that Chumo's bid is responsive as to the listing of Flatiron.

As this protest relates to Condon-Johnson, Chumo again properly followed the bidding instructions by listing Condon-Johnson to perform 100 percent of Bid Item 43 (Clean and Paint Steel Soldier Piling). The Prime Contractor is not required to list a second or third tier subcontractor. In addition, painting certifications are no longer a requirement of award and are to be submitted during the construction phase of the project. However, Caltrans confirms that Chumo submitted a painting certificate for Techno-West. It is therefore Caltrans' determination that Chumo's bid is responsive as to its listing of Condon-Johnson.

Ms. Kristi Stelle
November 25, 2014
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Based on the above findings, it was determined that Highland's protest lacks merit and Caltrans will proceed to award to the lowest responsible bidder.

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

Sincerely,



JOHN C. McMILLAN
Deputy Division Chief
Office Engineer
Division of Engineering Services

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

P.1
CALTRANS CONTR AWARDS Fax 916-227-6282

Nov 25 2014 02:35pm

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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