

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER

P.O. BOX 168041, MS-43

SACRAMENTO, CA 95816-8041

PHONE (916) 227-6299

FAX (916) 227-6282

TTY 711

www.dot.ca.gov



*Serious drought.
Help save water!*

June 24, 2014

Facsimile: (909) 356-1299

Michael B. Powell, President
Powell Constructors, Inc.
8555 Banana Avenue
Fontana, CA 92335

07-4T6804
07-LA-105-R0.9, R4.7
B.O. 06/12/2014

Dear Mr. Powell:

The Department of Transportation (Caltrans) received the attached letter dated June 24, 2014, from Powell Constructors, Inc. (Powell) protesting the award of contract 07-4T6804 to Smart Tech Group, Inc. (Smart Tech). The protest alleges that Smart Tech incorrectly listed J. Francis Company, Inc. (J. Francis) as performing 100% of Bid Item Numbers 16, 17 and 18 on its Subcontractor List form. Powell also alleges that J. Francis does not have the proper A or C32 License to perform the work listed on the Subcontractor List form. Powell requests that Caltrans find Smart Tech nonresponsive and award the contract to Powell.

Caltrans does not respond to protests after the contract has been awarded. Contract 07-4T6804 was awarded to the Smart Tech Group on June 12, 2014.

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

Sincerely,

A handwritten signature in black ink, appearing to read "John C. McMILLAN".

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

Attachment



CONSTRUCTORS INC.

POWELL CONSTRUCTORS, INC.
GENERAL ENGINEERING CONTRACTOR

8555 BANANA AVENUE - FONTANA, CA 92335
PHONE (909) 356-8880 - FAX (909) 356-1299
LICENSE #845305A

June 24, 2014

Department of Transportation
Division of Engineering Services
Office Engineer
1727 30th Street
Sacramento, Ca. 95816

Attn: John McMillan
Deputy Division Chief
Office Engineer
Division of Engineering Services

Ref: Protest of Award
Contract No. 07-4T6804
07-LA-105-R0.9, R4.7
DOB 5-15-14

Gentlemen:

Reference is made to "Award status for 07-4T6804" processing award to Smart Tech Group, Inc.

We wish this correspondence to again serve as our protest of the award to Smart Tech Group, Inc. as follows:

1. Smart Tech Group, Inc. has incorrectly listed J. Francis Co., Inc. as performing 100% of Bid Item Nos. 16, 17 & 18 on their Subcontracting List (copy attached).

J. Francis Co., Inc's price for Item No. 16 is listed on their Proposal Dated 5-13-14 (copy attached) totaling \$ 6,000.00 while Smart Tech Group, Inc's total is \$ 7,200.00 (copy attached) which is 83.33%, J. Francis Co., Inc's price for Item No. 17 is listed on their proposal totaling \$ 7,200.00 while Smart Tech Group, Inc's total is \$ 8,640.00 which is 83.33% and J. Francis Co., Inc's price for Item No. 18 is listed on their proposal totaling \$ 14,550.00 while Smart Tech Group, Inc's total is \$ 17,550.00 which is 83.08%. Smart Tech Group, Inc. has listed J. Francis Co., Inc for 100% of each of the above referenced items.

Your response claims that Column 3 on the Subcontracting List form is representative of the total amount of work to be performed by the Subcontractor and the percentage listed is not applied to the bid item total.

This statement is in direct conflict with the which its heading states "Percentage of Bid Item Subcontracted" and the direction of Standard Specification 2-1.33C, Subcontractor List, which states "Show work portions by bid item number, description, and percentage of each bid item subcontracted".

As we previously stated Smart Tech incorrectly listed L. Francis for 100% of Items No. 16, 17 and 18 and is not representative of the total amount of work to be performed by the subcontractor

and again does not follow the direction stated on the Subcontracting List form nor the referenced Standard Specifications.

On Contract No. 08-0J8504 you recently declared Reyes Construction, Inc. nonresponsive because it failed to properly complete the Subcontractor List form for a similar reason, using percentages of the total bid rather than percentages of the item, putting emphasis on the portion "percentage of each bid item subcontracted" as we have stated above (copy attached).

An award/contract approval will be in direct conflict with the directions of the Subcontractors List and the Standard Specifications.

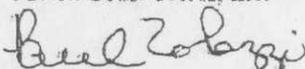
2. J. Francis Co., Inc. was recently found to be nonresponsive on Contract No. 08- 1C3904 for not having the proper License, (C32 or A), to perform the same type of work they are to do on this project.

A subcontractor must have a proper License, (C32 or A), to perform the work they were named to perform on this contract, neither of which J. Francis Co., Inc. has (copy of Licenses which J. Francis Co., Inc. has attached).

Your response to this item was that Smart Tech has the correct license to perform the work, this was not our issue as stated above. The contractor will be subcontracting to someone that is not properly licensed to perform the work. A contractor cannot qualify a subcontractor with his license to perform work.

Again Powell Constructors, Inc. believes that Smart Tech Group, Inc. should be deemed non-responsive and the project awarded to Powell Constructors, Inc. the next responsible bidder.

Very Truly Yours,
Powell Constructors, Inc.


Paul Zolczi
Contract Manager

Attachment

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER

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Save our water!
Help save water!

June 9, 2014

Facsimile: (909) 622-3053

Ricardo Jimenez, Vice President
Reyes Construction, Inc.
1383 S. Signal Drive
Pomona, CA 91766

08-0J8504
08-SBd-138-R24.1
B.O. 05/08/14

Dear Mr. Jimenez:

The Department of Transportation (Caltrans) received a bid submitted by Reyes Construction, Inc (Reyes) for Contract 08-0J8504 on May 8, 2014. By this letter, Caltrans notifies Reyes that its bid is nonresponsive because it failed to properly complete the Subcontractor List form.

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". On the Subcontractor List form submitted with the bid, Reyes listed percentages that are representative of the total contract bid, rather than the percent of work to be performed.

Based on the above, Caltrans will proceed to award the contract to the lowest responsible bidder, provided that all requirements are met.

Your attention is directed to Section 3-1.04 of 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.

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

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

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

Jun 24 2014 04:16pm

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
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EDMUND G. BROWN Jr., Governor

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B.O. 06/12/2014

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Sincerely,

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

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