

GENERAL ENGINEERING CONTRACTOR  
DVBE/SBE #60085  
Lic. #707211



State of California  
Department of Transportation  
Division of Engineering Services  
Office Engineer, MS 43  
1727 30th Street  
P.O. Box 168041  
Sacramento, Ca 95816-8041

12-31-14

Attn: John McMillan, Deputy Division Chief

Re: Contract 08-0P8204  
Riverside County In and Near Murrietta  
Bid Protest

Gentlemen:

Please consider this letter to be a formal protest of the bid submitted by Jabre Contracting Inc ("Jabre"), the apparent low bidder in connection with Contract No. 08-0P8204. Western Structures (WS) is currently the apparent second lowest responsive bidder.

The ("Jabre") bid is nonresponsive because the submitted documentation is plagued with inconsistencies with fabricated items of work in an attempt to gain DVBE participation and is not in compliance with the Project Special Provisions provided by the Department for bid purposes. In ("Jabre's") effort to meet the required 5% DVBE goal, it has listed two Licensed Contractors to provide for the same item of work.

The ("Jabre") bid is nonresponsive because its Disabled Veteran Business Enterprise ("DVBE") paperwork is inconsistent with its bid and incomplete.

The ("Jabre") bid is nonresponsive because the submitted form DES-0E-0102.5 lists two first tier licensed contractors to perform Item 2, Traffic Control System. Thus, ("Jabre") must self perform this work.

The ("Jabre") bid is nonresponsive because it fails to meet the 5% DVBE requirement. ("Jabre") self performing Item 2 work disallows listed DVBE participation for this item.

Public Contract Code 4104 requires subcontractors performing at least 1/2 of 1 percent of the bid total be listed on the Subcontracting list. ("Jabres") bid is nonresponsive because it fails to list ("BRK") on the subcontracting list. ("BRK") per the Certified DVBE Summary (Ex A) is identified to perform \$5,600.00 or 1.5 percent of the bid total. This is not consistent with the Subcontractor List (Pub Cont Code 4100 et seq.) submitted with ("Jabres") bid.

("Jabre") has listed First Tier Licensed Contractor Mallard Construction ("Mallard") to perform Item 2, Traffic Control System and Specifically Flagging Operations. ("Mallard") provided a quote (Exhibit B) for a 2 Man Flagging Operation including Traffic Control Truck with Listed Equipment (Exhibit B, circled paragraph inclusions) and is used for 8 days of Rental.

("Jabre") has listed First Tier Licensed Contractor ("BRK") for 8 days of Traffic Control Truck Rental (Exhibit C) under bid item 2, Traffic Control System. Traffic Control Truck is included with ("Mallards") bid. This constitutes two subcontractors to providing for the same item of work.

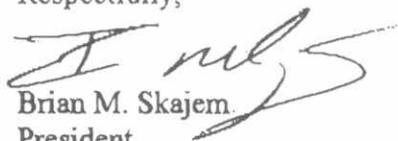
This project consists of Stationary Multilane highway closures. Special Provisions Route 215/NB/SB pages 8 and 9, Traffic Charts 1, 2, 3, and 4 provide for Ramp Mainline and Shoulder Closures Only. Reversing Control (Flagging) is not a part of the bid documents and details shown for Traffic Control System on this Project. ("Jabre") listing subcontractor for flagging operations is not in compliance with the Bid Specifications.

("Jabre") has not submitted a bid in compliance with the Contract Special Provisions Section 12-5 Traffic Control System For Lane Closure. Special Provisions Page 10, Replace section 12-5 with: 12-5.01 General - Section 12-5 includes specifications for closing traffic lanes, ramps, or a combination, with Stationary Lane Closures on multilane highways. *The traffic control system for a lane closure must comply with the details shown.* (Emphasis Added)

The bid submitted by ("Jabre") does not comply with the Public Contract Code, Special Provisions and Military and Veterans Code 999 et. seq. In short, it is completely contrary to letter and spirit of the Bidding Specifications, Public Contract Code 4100 et.seq., and the Military and Veterans Code.

Western Structures respectfully submits the bid of ("Jabre") on the referenced contract be determined nonresponsive and Contract 08-0P8204 be awarded to the next lowest responsive and responsible bidder.

Respectfully,



Brian M. Skajem  
President  
West Coast Structures Inc  
Dba; Western Structures

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
**CERTIFIED DVBE SUMMARY**  
 DES-OE-0102.5 (REV 3/2008)

# Low Bidder

DISTRICT-COUNTY-ROUTE: 08 Riv 215  
 CONTRACT NO.: 08-0P8204  
 TOTAL BID: 371,975  
 BID OPENING DATE: 12/18  
 BIDDER'S NAME: Sabra Contracting Inc  
 DVBE PRIME CONTRACTOR CERTIFICATION: \_\_\_\_\_

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(Ex A)

Bid Item Number	Description of Work to Be Subcontracted to DVBE or Materials to Be Supplied by DVBE <sup>2</sup>	For Caltrans Only	DVBE (Name, Telephone No., and Certification No.)	\$ Amount
2	Flagging for invert paving clear+grab	POB	MALLARD CONST INC #1745928 (760) 550-1645	13,200
2	Equipment Rental		BRK CONST INC #1756119	5600
Names of first tier DVBE subcontractors and their items of work listed must be consistent with the names and items of work in the Subcontractor List (Pub Cont Code § 4100 et seq.) submitted with the bid. Identify second and lower tier subcontractors on this form.			<b>Total Claimed Participation</b>	\$ <u>18,800</u> <u>5.1</u> %

- DVBE prime contractors must enter their DVBE reference number or their DBA name as listed with Department of General Services (DVBE prime contractors are credited with 100 percent DVBE participation and need not complete the above table).
- If 100% of an item is not performed or supplied by the DVBEs, describe the exact part, including the planned location of work to be performed, of item to be performed or supplied by DVBE.

Submit to:

MSC 43  
 OFFICE ENGINEER  
 DEPARTMENT OF TRANSPORTATION  
 1727 30TH STREET  
 SACRAMENTO, CA 95816-7005

[Signature] 12/18/2014  
 Signature of Bidder Date

(310) 720-0277  
 (Area Code) Telephone Number

Bob Collins  
 Contact Person (Type or Print)

**ADA Notice**

For individuals with sensory disabilities, this document is available in alternate formats. For information, call (916) 654-6410, TTY 711, or write to Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

(Ex B)



# MALLARD CONSTRUCTION INC.

A DVBE UNION CONTRACTOR - Laborers Local # 1184

SB/DVBE/SDVOSE Company DGB CERT # 1748928 CSLB # 826607 LIC CLASS B, C-31, C-32, D-06, D-38, D-42, D-64  
 618 W. Southern Ave. Orange CA. 92665  
 Ph. (760) 550-1645 Fax (714) 974-1733  
 E-MAIL: [gary@mallardinc.com](mailto:gary@mallardinc.com)

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Agency: California Department of Transportation

Addenda Noted:

Project: Contract - 08-0P8204 - Line and / or Invert Pave 3 Culverts

Estimator: Gary Rivers  
 Cell Phone: 714-785-5394

Bid Date: 12/18/2014

Quote No: GR-0941

2

Traffic Control System (See Below Item)

Single Lane, 1 Direction, 1 Location, 2 Laborers (Up to 8 Hours)	\$	1,650.00
Each Additional Lane within the same closure	\$	200.00
Complete Freeway Closure, 1 Direction, 2 Laborers (Up To 8 Hours)	\$	1,650.00
Ramp Closure: 1 to 4 Ramp Maximum with 2 Laborers (Up To 8 Hours) (No Charge for Ramp Closure within Closed Lane)	\$	1,650.00
Additional Closure (of equal or lesser value) performed by the same crew during any work shift will be charged at 50%		

(Please note that Each Truck with a two man operation will have the following Equipment - 200 Night Cones, up to Two Arrowboard, Up to 12 EA Rollup Signs on Stands, 2 sets of flashing Beacons Only and up to 10 Ea Type One Barricades with Flashing Beacons. Any additional equipment / material will be charge at Caltrans Rates)

2 Man Plagging Operation (Up to 8 hrs on site)

13200 \$8 DAYS 1,650.00

3 Man Pilot Car (Up to 8 Hrs on site) \$ 2,450.00

One Man Crew with / Truck & Equipment (Up to 8 Hrs on site) \$ 1,050.00

Additional Laborers (Upt to 8 Hrs on site) \$ 600.00

Attenuator Truck W/ Driver (Up to 8 Hrs onsite - \$ 0.49 per mile charge) \$ 990.00

Attenuator Truck without Driver ( \$ 0.49 per mile charge)

Daily \$ 300.00

Weekly \$ 1,000.00

Monthly \$ 3,500.00

PCMS Boards

Daily \$ 175.00

Weekly \$ 495.00

Monthly \$ 1,000.00

Any time after 8 hours will be charge to the contractor as an overtime rate of \$ 105.00 per hour per person.

First 8 Hours on a Saturday or Sunday please add \$ 285.00 per person for overtime rate difference

Cancellations Policy:

4 Hrs prior to Show up

Show up time Per Person

Directly after set up of Freeway / Ramp Closure

No Charge

4 Hour minimum

Total man hours (portal to portal)

Hourly Rate for above cancellations will be charge at \$ 85.00 Per Hour & \$ 20.00 per hr for Truck.

(Ex C)

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# BRK

## Construction Inc.

General A, C31, D42 License #983324

DVBE/SBE# 1756119

Phone (310) 513-6209 Fax (310) 513-6299

12/18/14

Bidding Estimator

PROJECT NUMBER:08-OP8204

BID DATE 12/18/14 2PM BID TIME

DVBE/SBE #37084 DISABLED VETERAN

ITEM	DESCRIPTION	COST
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EQUIPMENT RENTAL: LANE CLOSURE, SHOULDER CLOSURE

100 CONES, 4 AWS, 4 C30

PER DAY ..... \$ 150

TRAFFIC CONTROL TRUCK (F550-1) Labor Not Included

DAILY EA \$ 300 x 8 Days 2400

WEEKLY EA \$ 1,000

.51 cents per mile from our yard

ATTENUATOR TRUCK (Ford F650) Labor Not Included

DAILY EA \$ 400 x 8 Days 3200

WEEKLY EA \$ 1,200

.49 cents per mile from our yard

5600

ARROWBOARD

DAILY EA \$ 50

WEEKLY EA \$ 200

CMS UNIT

DAILY EA \$ 200

WEEKLY EA \$ 600

ALL RENTAL PICK UP FROM FROM BRK OFFICE YARD LOCATION:

BRK

16214 ILLINOIS AVE

SUITE B

PARAMOUNT CA 90723

16213 ILLINOIS AVE

SUITE B

PARAMOUNT CA 9023

310-513-6209 PHONE, 310-513-6299 FAX