WESTERN STRUCTURES

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

01-07-15

Attn: John McMillan, Deputy Division Chief

Re: Contract 08-0P8204
Riverside County In and Near Murrietta
Bid Protest and Response to Jabre rebuttal

Gentlemen:

Please consider this letter to be a continued formal protest of the award of Caltrans contract 08-0P8204 to Jabre Contracting Inc ("Jabre").

The ("Jabre") rebuttal to ("WS") bid protest confirms that the bid submitted by ("Jabre") does not comply as the bid documents demand (Pub Code 12.2.1) and must be found non responsive.

Bid Documents and Special Provisions Page 10 (Ex 1), 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)**

This project consists of Stationary Multilane highway closures in accordance with Special Provisions pages 8 and 9, Detailed Traffic Charts 1, 2, 3, and 4 on Route 215 in the North and South Bound directions and provide for Ramp, Mainline, Shoulder closures only. Page 10 of the Contract Special Provisions (Ex 1) under Section 12-5.04 PAYMENT - Traffic control system for **Lane Closure** is paid for as traffic control system.

In paragraph two of its rebuttal, ("Jabre") admits it will Self Perform Item 2 Traffic Control System by setting up and taking down closures in accordance with detailed Traffic Charts 1, 2 (Ex 2) and Charts 3, 4 (Ex 3) throughout the job. ("Jabre") will self perform utilizing a Traffic Control and Attenuator truck rented from first tier subcontractor BRK Construction Inc., ("BRK") a licensed California Contractor is not listed in accordance with (Pub Cont Code 4100 et seq.) and the submitted DVBE Summary .

In paragraph 5 of its rebuttal, ("Jabre") concludes that it will sub out "the flagging" (clearly not a part of the Published Contract Bid Documents and Special Provisions) to Mallard Construction Inc., ("Mallard").

2010 Standard Specifications, Section 12-1.03 - All Reversing Control or (Flagging) , is a shared cost by the state and is not advertised as a part of Traffic Charts 1, 2, 3, or 4 of the contract bid documents and/or details shown for Traffic Control System on which the bid was based. ("Jabre") listing ("Mallard") for flagging operations does not comply with the Bid Specifications and cannot be utilized for DVBE participation.

("Jabres") claimed DVBE participation and smokescreen listing of ("Mallard") to perform a fabricated item of work (Flagging) is an attempt to meet the State set 5% DVBE goal and is contrary to the letter and spirit of the Fair Bidding Process, the Bid Specifications, Special Provisions, Pubic Contract Code 4100 et.seq., and 12.2, 12.2.1, and the Military and Veterans Code and should not be allowed.

The bid submitted by ("Jabre") fails to materially comply with the bidding documents (Pub Cont Code 12.2.1). The Department by allowing ("Jabre") to utilize reversing control (flagging) a cost shared by the State, would provide an unfair economic advantage and does not comply as the bidding instructions demand .

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

6005 Tyler St., Riverside – California 92503 – Phone (951) 352-4300 – Fax (951) 352-4301

Ex 1

Replace section 12-5 with:

12-5 TRAFFIC CONTROL SYSTEM FOR LANE CLOSURE

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 or a ramp closure must comply with the details shown.

Traffic control system includes signs.

12-5.02 MATERIALS

Not Used

12-5.03 CONSTRUCTION

Each vehicle used to place, maintain, and remove components of a traffic control system on a multilane highway must be equipped with a Type II flashing arrow sign that must be in operation whenever the vehicle is being used for placing, maintaining, or removing the components. Vehicles equipped with a Type II flashing arrow sign not involved in placing, maintaining, or removing the components if operated within a stationary-type lane closure must display only the caution display mode. The sign must be controllable by the operator of the vehicle while the vehicle is in motion. If a flashing arrow sign is required for a lane closure, the flashing arrow sign must be operational before the lane closure is in place.

For multilane freeway or expressway lane closures, do not place the 2L tangent section shown along lane lines between the lane closure tapers.

Whenever components of the traffic control system are displaced or cease to operate or function as specified from any cause, immediately repair the components to the original condition or replace the components and restore the components to the original location.

For a stationary lane closure, ramp closure, or a combination, made only for the work period, remove the components of the traffic control system from the traveled way and shoulder, except for portable delineators placed along open trenches or excavation adjacent to the traveled way at the end of each work period. You may store the components at selected central locations designated by the Engineer within the limits of the highway.

12-5.04 PAYMENT

Traffic control system for lane closure is paid for as traffic control system.

The requirements in section 4-1.05 for payment adjustment do not apply to traffic control system. Adjustments in compensation for traffic control system will be made for an increase or decrease in traffic control work if ordered and will be made on the basis of the cost of the necessary increased or decreased traffic control. The adjustment will be made on a force account basis for increased work and estimated on the same basis in the case of decreased work.

A traffic control system required by change order work is paid for as a part of the change order work.

^^

15 EXISTING FACILITIES

Replace the 1st and 2nd paragraphs in section 15-6.01C(1) with:

Comply with the following work sequence and notify the Engineer before you start each of the following steps:

1. Control and divert stream flow
2. Clean and prepare culvert
3. Inspect and evaluate culvert
4. Repair culvert

Replace "Reserved" in section 12-4.05B with:

Chart No. 1
Freeway/Expressway Lane Requirements

County: Riverside | Route/Direction: 215/NB | PM: 9.2/15.4

Closure limits:

Hour	24	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Mon-Thu	1	1	1	1	1	1				S	S	S	S	S	S								1	1	
Fri	1	1	1	1	1	1				S	S	S	S	S	S									1	
Sat	1	1	1	1	1	1	1			S	S	S	S	S	S									1	
Sun	1	1	1	1	1	1	1			S	S	S	S	S	S								1	1	

Legend:

1 Provide at least 1 through freeway lane open in direction of travel.

S Shoulder closure allowed (right / left).

Work allowed within the highway where shoulder or lane closure is not required.

REMARKS:

Replace "Reserved" in section 12-4.05B with:

Chart No. 2
Freeway/Expressway Lane Requirements

County: Riverside | Route/Direction: 215/SB | PM: 9.2/15.4

Closure limits:

Hour	24	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Mon-Thu	1	1	1	1	1					S	S	S	S	S	S								1	1	
Fri	1	1	1	1	1					S	S	S	S	S	S										
Sat	1	1	1	1	1	1				S	S	S	S	S	S										
Sun	1	1	1	1	1	1	1			S	S	S	S	S	S									1	

Legend:

1 Provide at least 1 through freeway lane open in direction of travel.

S Shoulder closure allowed (right / left).

Work allowed within the highway where shoulder or lane closure is not required.

REMARKS:

Replace "Reserved" in section 12-4.05E with:

Chart No. 3
Complete Ramp Closure Hours/Ramp Lane Requirements

County:Riverside | Route/Direction: 215/NB | PM: 9.2/15.4

Closure limits:

Hour	24	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Mon-Thu	C	C	C	C	C	C				S	S	S	S	S	S								C	C	
Fri	C	C	C	C	C	C				S	S	S	S	S	S									C	
Sat	C	C	C	C	C	C	C			S	S	S	S	S	S									C	
Sun	C	C	C	C	C	C	C			S	S	S	S	S	S								C	C	

Legend:

C Ramp may be closed completely.

S Shoulder closure allowed.

Work allowed within the highway where shoulder or lane closure is not required.

REMARKS:

Replace "Reserved" in section 12-4.05E with:

Chart No. 4
Complete Ramp Closure Hours/Ramp Lane Requirements

County: Riverside | Route/Direction: 215/SB | PM: 9.2/15.4

Closure limits:

Hour	24	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Mon-Thu	C	C	C	C	C					S	S	S	S	S	S									C	
Fri	C	C	C	C	C					S	S	S	S	S	S										
Sat	C	C	C	C	C	C				S	S	S	S	S	S										
Sun	C	C	C	C	C	C	C			S	S	S	S	S	S								C	C	

Legend:

C Ramp may be closed completely.

S Shoulder closure allowed.

Work allowed within the highway where shoulder or lane closure is not required.

REMARKS: