MGP CONSTRUCTION

P. O. BOX 355

UPLAND, CA 91785

BID/AWARD PROTEST

VIA FACSIMILE (916)227-6282

May 31, 2013

Department of Transportation
Division of Engineering Services
Office Engineer, MS 43
P.O. Box 168041
Sacramento, CA 95816-8041

Project: **Contract Number: 08-0R9004, 08-Riv-SBd-5701, 5731 Bid Open 5/16/13**

Dear Sir/Madame:

MGP Construction hereby submits our request to extend award period if necessary.
MGP Construction also submits our written protest to contract No. 08-0R9004 being awarded to M C Alyea Construction, Dalke And Sons Construction Inc. or Kinsman Construction Inc. Apparent low bidders No. 1, 2 and 3.

In performing our due diligence and relying on the available Contract Specs. and the 2010 Standard Specs. as well as post bid information provided by Caltrans. MGP Construction feels that it should be considered the lowest responsive and responsible low bidder. The first Three and possibly the forth apparent low bidders must be considered non responsive. For the following reason:

- (Page 5 of 95 in contract specs and page 23 of the 2010 Standard Specs.)
  Section 2-1.35, of the Caltrans 2010 Standard Specifications, SSPC QP CERTIFICATION PREAWARD QUALIFICATION, as amended by the revised standard specifications dated 01-20-12 which states in part "Submit proof of each required SSPC QP certification with

your bid or fax it to (916) 227-6282 no later than 4:00 p.m. on the 2nd business day after bid opening. Failure to do so results in a nonresponsive bid."

- (Page 14 of contract specs.)
  Section 99-05120A(1) States in part "This work consists of fabricating, assembling, and erecting structural steel"
- (Page 84 of 95 of the contract specs. and page 718 of the 2010 Standard Specs.)
  Section 59-2.01D(1) QUALITY CONTROL AND ASSURANCE, as amended by the revised standard specifications 10/19/12 States in part "You must hold following the SSPC certifications in good standing throughout the contract to perform the following painting activities
  1. For cleaning and painting structural steel in the field, SSPC-QP 1
  2. For removing hazardous coatings from structural steel SSPC-QP 2
  3. For cleaning and painting structural steel in a permanent painting facility, AISC-420-10/SSPC-QP 3"
- (Page 85 of 95 of the contract specs. and page 719 of the 2010 Standard Specs.)
  Section 59-2.03A CONSTRUCTION, as amended by the revised standard specifications 10/19/12 States in part "Clean and paint all exposed structural steel and other metal surfaces.
  You must provide enclosures for cleaning and painting structural steel. Cleaning and painting of new structural steel must be performed in an Enclosed Shop as defined in AISC-420-10/SSPC-QP 3

In the case of apparent low bidders 1-3, SSPC QP Certification was not provided. This must result in nonresponsive bid determinations.

If apparent low bidder No. 4, Geo Struc Engineering Inc. did not provide the required proof in the proper timeframe they are also nonresponsive. (Post bid information was not provided by Caltrans for apparent low bidder No. 4)

Due to the clear-cut language in the contract specs. as well as the 2010 Standard specs. it states in part that: "You **must** hold following the SSPC certifications", "Cleaning and painting of new structural steel **must** be performed in an enclosed shop as defined in AISC-420-10/SSPC-QP 3", "**Submit proof** of each required SSPC QP certification with your bid or fax it to (916) 227-6282 no later than 4:00 p.m. on the 2nd business day after bid opening. **Failure to do so results in a nonresponsive bid.**" This leaves little room for inconsistencies in final determinations. Making sure nobody gains an unfair advantage.

Thank you for your consideration.

Sincerely,

Robert Andrade
Project Coordinator
MGP Construction (909) 982-2364
E-Mail robandrade@verizon.net

Attachments:

Contract specs. Pages: 5 of 95, 14,84 of 95,85 of 95

2010 Caltrans Standard Specs. Pages: 23, 718, 719.

Replace the paragraph in section 2-1.35 with:

01-20-12

Submit proof of each required SSPC QP certification with your bid or fax it to (916) 227-6282 no later than 4:00 p.m. on the 2nd business day after bid opening. Failure to do so results in a nonresponsive bid.

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3 CONTRACT AWARD AND EXECUTION

10-19-12

Add to the end of section 3-1.04:

10-19-12

You may request to extend the award period by faxing a request to (916) 227-6282 before 4:00 p.m. on the last day of the award period. If you do not make this request, after the specified award period:

1. Your bid becomes invalid
2. You are not eligible for the award of the contract

Replace the paragraph in section 3-1.11 with:

10-19-12

Complete and deliver to the Office Engineer a *Payee Data Record* when requested by the Department.

Replace section 3-1.13 with:

07-27-12

3-1.13 FORM FHWA-1273

For a federal-aid contract, form FHWA-1273 is included with the Contract form in the documents sent to the successful bidder for execution. Comply with its provisions. Interpret the training and promotion section as specified in section 7-1.11A.

Add to item 1 in the list in the 2nd paragraph of section 3-1.18:

07-27-12

, including the attached form FHWA-1273

10-19-12

Delete item 4 of the 2nd paragraph of section 3-1.18.

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5 CONTROL OF WORK

10-19-12

Add between "million" and ", professionally" in the 3rd paragraph of section 5-1.09A:

10-19-12

and 100 or more working days

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2-1.31–2-1.32 RESERVED

2-1.33 BID DOCUMENT COMPLETION

2-1.33A General

Complete forms in the *Bid* book. Submit the forms with your bid.

On the Subcontractor List you may either submit the percentage of each bid item subcontracted with your bid or fax the percentage to (916) 227-6282 within 24 hours after bid opening.

Except for the percentage of each bid item subcontracted, do not fax submittals.

2-1.33B Bid Item List and Bid Comparison

Submit a bid based on the bid item quantities the Department shows on the Bid Item List.

For a lump sum based bid, the Department compares bids based on the total price.

For a unit price based bid, the Department compares bids based on the sum of the item totals.

For a cost plus time based bid, the Department compares bids based on the sum of the item totals and the total bid for time.

2-1.33C Subcontractor List

On the *Subcontractor List*, list each subcontractor to perform work in an amount in excess of 1/2 of 1 percent of the total bid or $10,000, whichever is greater (Pub Cont Code § 4100 et seq.).

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.

2-1.33D Opt Out of Payment Adjustments for Price Index Fluctuations

You may opt out of the payment adjustments for price index fluctuations specified in section 9-1.07. To opt out, submit a completed *Opt Out of Payment Adjustments for Price Index Fluctuations* form with your bid.

2-1.33E Reserved

2-1.34 BIDDER'S SECURITY

Submit your bid with one of the following forms of bidder's security equal to at least 10 percent of the bid:

1. Cash
2. Cashier's check
3. Certified check
4. Bidder's bond signed by a surety insurer who is licensed in California

If using a bidder's bond, you may use the form in the *Bid* book. If you do not use the form in the *Bid* book, use a form containing the same information.

2-1.35 SSPC QP CERTIFICATION PREAWARD QUALIFICATION

Submit the SSPC QP certification required under section 59-2.01D(1) with your bid. Failure to submit the certification results in a nonresponsive bid.

2-1.36 RESERVED

2-1.37 BID SUBMITTAL

Submit your bid:

1. Under sealed cover
2. Marked as a bid
3. Identifying the contract number and the bid opening date

If an agent other than the authorized corporation officer or a partnership member signs the bid, file a Power of Attorney with the Department either before opening bids or with the bid. Otherwise, the bid may be nonresponsive.

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M.G.P CONSTRUCTION

FAX TRANSMITTAL

DATE:	6/4/13		
TO:	DOT	FROM:	MGP CONSTRUCTION
FAX:	916 227-6282	FAX:	909-982-8663
TEL:		TEL:	909-982-2364
CC:		PAGES:	11 INCLUDING COVER

COMMENTS:

PLEASE FIND ATTACHED: REQUEST FOR EXTENSION OF AWARD PERIOD AND FORMAL PROTEST OF BID/AWARD

THANK YOU,

ROBERT ANDRADE MGP CONSTRUCTION
CELL# 909 636-3588

The quantity of water for single component type or liquid activator for dual component type to be blended with the dry component, must be within the limits recommended by the manufacturer and must be the least amount required to produce a pourable mix.

Magnesium phosphate concrete must not be mixed in containers or worked with tools containing zinc, cadmium, aluminum, or copper metals.

The surface of any dowel coated with zinc or cadmium must be coated with a colored lacquer before installation of the dowel. The lacquer must be allowed to dry thoroughly before embedment of said dowels.

99-03603D Payment

Not Used

99-05120 STRUCTURAL STEEL FOR BUILDINGS

99-05120A General

99-05120A(1) Summary

This work consists of fabricating, assembling, and erecting structural steel.

99-05120A(2) Definitions

demand critical welds: Those welds, the failure of which would result in significant degradation of the strength and stiffness of the Seismic-Load-Resisting System and which are indicated as "Demand Critical" or "Seismic Critical" shown.

heavy sections: Rolled and built-up sections as follows:

1. Shapes included in ASTM A 6/A 6M with flanges thicker than 1 1/2 inches
2. Welded built-up members with plates thicker than 2 inches
3. Column base plates thicker than 2 inches

RCSC: The Research Council on Structural Connections.

seismic-load-resisting system (SLRS): Elements of structural-steel frame designated as SLRS or along grid lines designated as SLRS shown, including columns, beams, and braces and their connections.

structural steel: Elements of the structural steel frame essential to support the design loads, including:

1. Square HSS
2. W Shape
3. Angle
4. Plate

99-05120A(3) Submittals

Product Data: Submit product data for items to be incorporated into the work, including structural steel, high strength fastener assemblies, and alternative connectors.

Shop Drawings:

Submit shop drawings that include the following:

1. A comprehensive list of all structural steel elements to be used as described under AISC 303, section 2.1, "Definition of Structural Steel."
2. Sequence of shop and field assembly and erection, welding sequence and procedures, and welding nondestructive testing (NDT) sequence and procedures.
3. Identification of welds by standard AWS symbols, distinguishing between shop and field welds, and show size, length, and type of each weld.
4. Location of butt welded splices on a layout drawing of the entire structure.
5. Location and details of any temporary supports that are to be used.

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57 WOOD AND PLASTIC LUMBER STRUCTURES

10-19-12

Replace "51-2.01C(3)" in the 1st paragraph of section 57-2.01C(3)(a) with:

10-19-12

57-2.01C(3)

^^

58 SOUND WALLS

10-19-12

10-19-12

Delete the 3rd paragraph of section 58-1.01.

Replace the 1st paragraph of section 58-2.01D(5)(a) with:

08-05-11

You must employ a special inspector and an authorized laboratory to perform Level 1 inspections and structural tests of masonry to verify the masonry construction complies with section 1704, "Special Inspections," and section 2105, "Quality Assurance," of the 2007 CBC.

10-19-12

Delete the 1st paragraph of section 58-2.02F.

^^

59 PAINTING

10-19-12

Replace "SSPC-SP 10" at each occurrence in section 59 with:

10-19-12

SSPC-SP 10/NACE no. 2

Replace "SSPC-SP 6" at each occurrence in section 59 with:

10-19-12

SSPC-SP 6/NACE no. 3

Replace "SSPC-CS 23.00" at each occurrence in section 59 with:

10-19-12

SSPC-CS 23.00/AWS C 2.23M/NACE no. 12

Replace "SSPC-QP 3 or AISC SPE, Certification P-1 Enclosed" in item 3 in the list in the 1st paragraph of section 59-2.01D(1) with:

10-19-12

→ AISC-420-10/SSPC-QP 3 (Enclosed Shop)

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