

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 11, 2014

Facsimile: (949) 732-4355

Bisher Aljazzar
Future DB International, Inc.
8707 Research Drive
Irvine, CA 92618

08-0R9704
08-Riv-5730
B.O. 05/15/2014

Dear Mr. Aljazzar:

The Department of Transportation (Caltrans) received the attached letter dated June 10, 2014, from Future DB International Inc. (Future), requesting a review of the original protest.

Caltrans has not changed its position regarding the original protest determination; therefore, this protest will have no bearing on the award of this contract. Caltrans will proceed to award to Fleming Environmental Inc.

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

Attachment



May June 10th, 2014

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

Attn: John C. McMillan – Office Engineer

Re: Contract Number 08-OR9704
Bids Opened: May 15, 2014
Bid Protest of Fleming Environmental

Dear Mr. McMillan,

We are in receipt of your letter sent via fax on June 3rd, 2014. Your letter reads in part:

"...The protests allege that Fleming's Subcontractors List form identified Marne Construction (Marne) as performing 25 percent of Bid Item 5 (Building Work) and Fleming's Certified Disabled Veteran Enterprise (DVBE) Summary Form lists 27 percent for this same Subcontractor. Future alleges that the amount claimed towards participation is inconsistent with the percentage listed for this subcontractor, on the Subcontractor's List form..."

We respectfully urge you to review our original protest again. Our contention is that on the List of Subcontractors, Fleming divided their subcontractor amounts by the total bid amount (\$1,185,570), as opposed to Bid Item #5 (\$1,133,300). This is incorrect, and grounds for a non-responsive bid.

The difference between Marne's DVBE participation percentage and their listed percentage for Bid Item #5 was never the issue of the protest, rather it was used to illustrate just how far off Fleming's percentages were on their List of Subcontractors.

How can a subcontractor perform 25% of \$1,133,300, and also 27% of \$1,185,570, when they are only listed for a portion of a single bid item?

25% of \$1,133,300 = \$283,325

27% of \$1,186,570 = \$320,374



The only reasonable conclusion is that Fleming's subcontractor percentages were incorrect on bid day. We again request that Fleming's bid be ruled non-responsive.

Thank you,
Future DB International Inc.

A handwritten signature in black ink, appearing to read "B. Aljazzar", is written over the company name.

Bisher Aljazzar
President

TRANSMISSION VERIFICATION REPORT

TIME : 06/11/2014 11:57
NAME : CALTRANS AWARDS
FAX : 9162276282
TEL :
SER.# : BROM3J484358

DATE, TIME	06/11 11:57
FAX NO./NAME	919497324355
DURATION	00:00:30
PAGE(S)	03
RESULT	OK
MODE	STANDARD ECM

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

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Sincerely,


JOHN C. McMILLAN
Contract Awards Branch Manager