V A P Construction Inc.

General Engineering Contractor

Wednesday, May 25, 2016

To,
Dept. of Transportation
OFFICE ENGINEER
1727 30th Street, MS – 43
Sacramento, CA 95816
Fax: 916-227-6282

BID PROTEST FOR CONTRACT 08-1E3004 Bid Opening Dt 05/17/2016

Dear Sir/Madam,

V A P CONSTRUCTION INC hereby protests the award of the above mention contract to the lowest bidder UNITED ENGINEERING CONSTRUCTION for the following reasons:

- They added Items 4,20 and 23 in the DVBE commitment form not listed on the subcontractor listing. Added later to fulfill 5% DVBE GOAL. Based on Subcontractor listing they only achieved 3.9% goal.
- United Engineering Construction is performing only 20% on the total bid. (see enclosed spreadsheet for calculations)

As per Section 7 of the Standard Specification (noted below)

VII. **SUBLETTING OR ASSIGNING THE CONTRACT**

1. *The contractor shall perform with its own organization contract work amounting to not less than **30 percent** (or a greater percentage if specified elsewhere in the contract) of the total original contract price, excluding any specialty items designated by the State. Specialty items may be performed by subcontract and the amount of any such specialty items performed may be deducted from the total original contract price before computing the amount of work required to be performed by the contractor's own organization (23 CFR 635).*

a. "Its own organization" shall be construed to include only workers employed and paid directly by the prime contractor and equipment owned or rented by the prime contractor, with or without operators. Such term does not include employees or equipment of a subcontractor, assignee, or agent of the prime contractor.

b. "Specialty Items" shall be construed to be limited to work that requires highly specialized knowledge, abilities, or equipment not ordinarily available in the type of contracting organizations qualified and expected to bid on the contract as a whole and in general are to be limited to minor components of the overall contract.

Based on these reasons V A P CONSTRUCTION INC requests that CALTRANS rule UNITED ENGINEERING CONSTRUCTION'S bid Non-Responsive and award the contract to the responsive and responsible bidder.

Sincerely,

Arvind Prasad
President / C.E.O.

Encl: Bid Protest Calculations. Subcontractor listing and DVBE commitment form.

15705 Birchwood St.
La Mirada CA 90638

e-mail: arvind@vapci.com
Contractor Lic # 911748

Tel: 714-253-3270
Fax: 714-551-9420

V A P CONSTRUCTION INC.

Contract Number 08-1E3004

BID PROTEST CALCULATIONS

INSTALL RAMP METERING SYSTEM AT NB &SB ENTRANCE RAMPS

Bid Date: 05/17/2016 Engineer's Estimate: $700,000.00

WORKING DAYS: 40 DVBE GOAL : 5 %

Item No.	Item Code	Item Description	Unit of Measure	Estimated Quantity	BID UNIT	BID AMOUNT	% SUB CONTRACTED PER SUB CONTRACTOR LISTING	AMOUNT SUB CONTRACTED PER SUB CONTRACTOR LISTING	ITEMS ADDED IN DVBE COMMITMENT NOT INCLUDED ON SUB CONTRACTOR LISTING
1	70030	LEAD COMPLIANCE PLAN	LS	1	$ 2,500.00	$ 2,500.00			
2	120090	CONSTRUCTION AREA SIGNS	LS	1	$ 4,000.00	$ 4,000.00	100%	$ 4,000.00	
3	120100	TRAFFIC CONTROL SYSTEM	LS	1	$ 6,000.00	$ 6,000.00	100%	$ 6,000.00	
4	128651	PCMS	EA	2	$ 4,000.00	$ 8,000.00			$ 5,100.00
5	130100	JOB SITE MANAGEMENT	LS	1	$ 6,500.00	$ 6,500.00			
6	130200	PREPARE WPCP	LS	1	$ 2,500.00	$ 2,500.00			
7	130560	TEMPORARY SOIL BINDER	SQYD	3350	$ 1.00	$ 3,350.00	100%	$ 3,350.00	
8	130640	TEMPORARY FIBER ROLL	LF	200	$ 5.00	$ 1,000.00			
9	130730	STREET SWEEPING	LS	1	$ 3,500.00	$ 3,500.00			
10	130900	TEMPORARY CONCRETE WASHOUT	LS	1	$ 1,000.00	$ 1,000.00			
11	190101	ROADWAY EXCAVATION	CY	320	$ 182.00	$ 58,240.00			
12	198010	IMPORTED BORROW (CY)	CY	50	$ 160.00	$ 8,000.00			
13	210251	EROSION CONTROL (BONDED FIBER MATRIX)	ACRE	1	$ 5,500.00	$ 5,500.00	100%	$ 5,500.00	
14	260203	CLASS 2 AGGREGATE BASE	CY	130	$ 225.00	$ 29,250.00			
15	390132	HOT MIX ASPHALT TYPE A	TON	130	$ 210.00	$ 27,300.00	100%	$ 27,300.00	
16	394076	PLACE HMA DIKE TYPE E	LF	210	$ 50.00	$ 10,500.00	100%	$ 10,500.00	
17	390100	PRIME COAT	TON	0.6	$ 1,000.00	$ 600.00	100%	$ 600.00	
18	510502	TACK COAT	TON	0.5	$ 1,000.00	$ 500.00	100%	$ 500.00	
19	560249	FURNISH SINGLE SHEET ALUMINUM SIGN (0.08"-UNFRAMED)	SQFT	50	$ 15.00	$ 750.00	100%	$ 750.00	
20	568001	INSTALL SIGN (STRAP AND SADDLE BRACKET METHOD)	EA	20	$ 15.00	$ 300.00			$ 625.00
21	31071	FURNISH SINGLE SHEET ALUMINUM SIGN (0.08"-UNFRAMED) FOR RETROREFLECTIVE SHEETING (TYPE XI)	SQFT	72	$ 20.00	$ 1,440.00	100%	$ 1,440.00	
22	31011	RETROREFLECTIVE SHEETING (TYPE XI)	SQFT	470	$ 10.00	$ 4,700.00	100%	$ 4,700.00	
23	840515	THERMOPLASTIC PAVEMEVENT MARKING	SQFT	72	$ 15.00	$ 1,080.00			$ 720.00
24	860090	MAINTAIN EXIST. TRAFFIC MANAGEMENT SYSTEM	LS	1	$ 4,500.00	$ 4,500.00	100%	$ 4,500.00	
25	861101	RAMP METERING SYSTEM LOC 1	LS	1	$ 200,000.00	$ 200,000.00	100%	$ 200,000.00	
26	861102	RAMP METERING SYSTEM LOC 2	LS	1	$ 195,000.00	$ 195,000.00	100%	$ 195,000.00	
					TOTAL AMOUNT	$ 586,010.00		$ 484,140.00	$ 6,445.00

30% OF TOTAL BID AMOUNT $175,803.00

TOTAL SUB CONTRACTED AMOUNT $470,585.00

ACTUAL AMOUNT BEING PERFORMED BY UNITED ENGINEERING CONSTRUCTION $115,425.00

ACTUAL % BEING PERFORMED BY UNITED ENGINEERING CONSTRUCTION 20%

05/25/2016 20:13 7145519420 V A P CONSTRUCTION PAGE 03/08

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
Contract No.: 08-1E3004 Project ID: 0813000207
Bidder Name: United Engineering & Construction, Inc Bidder ID: VC0000100558
DES-OE-0102.2C (REV 03/2015)

Bidding Firm: United Engineering & Construction, Inc

List this sub? Yes

1) Business Name Mallard Construction Inc.
Location City Orange State CA
California Contractor License Number 826607
Public Works Contractor Registration Number 1000007037
Portion of Work Subcontracted:

Item	%	Description
2	100	Construction Area Sign
3	100	Traffic Control System
19	100	Furnish Single Sheet Alluminum Sign(.080 Unframed)
21	100	Install Sign (Strap and Saddle Method)
22	100	Furnish Single Sheet Alluminum Sign(.080 Unframed.for protective she

★ ITEM #'S 4, 20 & 23 NOT LISTED AT TIME OF BIDDING.

BASED ON THESE ITEMS DOES ~~TO~~ NOT FULFIL DVBE GOAL OF 5%

List this sub? Yes

3) Business Name MSL Electric, Inc.
Location City Anaheim State CA
California Contractor License Number 822450 C10
Public Works Contractor Registration Number 1000000550
Portion of Work Subcontracted:

Item	%	Description
24	100	Maintaing Existing TMS Elements
25	100	Ramp Metering Location 1
26	100	Ramp Metering Location 2

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
Contract No.: 08-1E3004 Project ID: 0813000207
Bidder Name: United Engineering & Construction, Inc Bidder ID: VC0000100558
DES-OE-0102.2C (REV 03/2015)

Bidding Firm: United Engineering & Construction, Inc

List this sub? Yes

4: Business Name EBS
Location City Corona State CA
California Contractor License Number A 720016
Public Works Contractor Registration Number 1000005295
Portion of Work Subcontracted:

Item	%	Description
15	100	Hot Mix Asphalt (Type A)
16	100	Place Hot Mix Asphalt Dike (Type E)
17	100	Prime Coat
18	100	Tack Coat

List this sub? Yes

5 Business Name Diversified Landscape Co.
Location City Wildomar State CA
California Contractor License Number 576183
Public Works Contractor Registration Number 1000009249
Portion of Work Subcontracted:

Item	%	Description
7	100	Temporary Soil Binder
13	100	Erosion Control

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION

Low Bidder

05 23 16 A11:29 RCVD

CERTIFIED DVBE SUMMARY

DES-OE-0102.5 (REV 3/2008)

DISTRICT-COUNTY-ROUTE: 08 - Riverside - 15

CONTRACT NO.: 08-1E3004

TOTAL BID: 586,010.00

BID OPENING DATE: May 17 - 2016

BIDDER'S NAME: United Engineering & Construction Inc.

DVBE PRIME CONTRACTOR CERTIFICATION [1]

Bid Item Number	Description of Work to Be Subcontracted to DVBE or Materials to Be Supplied by DVBE [2]	For Caltrans Only	DVBE (Name, Telephone No., and Certification No.)	$ Amount
# 2	Construction Area Sign		Mallard Construction Inc.	10,460.00
# 3	Traffic control System			1,500.00
** # 4	Portable Changeable M. Sign		Cert. # 1748928	5,100.00
# 19	Furnish Single sheet Allu			625.00
** # 20	Install Sing (strap & Saddle)		Tel: (714) 785-5384	1900.00
# 21	Furnish Single sheet Allum. Sign		(714) 974-1753	1260.00
# 22	Retroreflective Sheeting XI			7,755.00
** # 23	Thermoplastic Pavement Mar KO			720.00

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.

Total Claimed Participation $ 29,320.00 — 0.05 %

1. 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).

2. 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.

Signature of Bidder — Date: 5-19-2016

(818) 662-8055
(Area Code) Telephone Number

Reza Ford
Contact Person (Type or Print)

Submit to:

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

** ITEM 4, 20 & 23 NOT LISTED AT TIME OF BID

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.

ACTUAL AS LISTED AT TIME OF BID
$ 22,240.00
OR 3.9%

MALLARD CONSTRUCTION INC.

A DVBE UNION CONTRACTOR - Laborers Local # 1184

a SB/DVBE/SDVOSB Company DGS CERT # 1748928 CSLB # 826607 LIC CLASS B, C-31, C-32, D-06, D-38, D-42, D-64

1762 N. Neville St. Orange CA 92865
Ph. (714) 785-5394 Fax (714) 974-1753
E-MAIL: GARY@MALLARDINC.COM

Quote No: GR-2258

Agency: Caltrans

Addenda Noted: 1,2 are noted
DIR Number: 1000007027
Estimator: Gary Rivers
Email Address: gary@mallardinc.com
Cell Phone 714-785-5394

Project: Contract 08-1E3004 - Install Ramp Metering System at NB and SB Entrance Ramps

Bid Date: 5/17/2016

Item	Item Description	Quantity	Unit	Unit Price	Extended Price
2	Construction Area Signs (See below Terms)	1	LS	$ 10,460.00	$ 10,460.00
3	Traffic Control System - For Mallard Forces Only	1	LS	$ 1,500.00	$ 1,500.00
19	Furnish Single Sheet Aluminum Sign (.080 Unframed)	50	SF	$ 12.50	$ 625.00
20	Install Sign (Strap and Saddle Method)	20	EA	$ 95.00	$ 1,900.00
21	Furnish Single Sheet Aluminum Sign (.080 Unframed) for Retroreflective Sheeting (Type XI)	72	SF	$ 17.50	$ 1,260.00
					$ -
22	Retroreflective Sheeting (Type XI)	470	SF	$ 16.50	$ 7,755.00
23	Thermoplastic Pavement Marking	72	SF	$ 10.00	$ 720.00
					$ -
	CAS Terms				$ -
	Price does not include maintenance, relocation changes of dates or replacements.				$ -
	Core Drilling or Concrete Repair / Patchwork is not included				$ -
	Estimate reflects the entire quantity of signs and does not reflect signs to be reused.				$ -
	If Signs are damaged, lost, stolen the Contractor will bear all cost.				$ -
	Price includes all Signs noted in the MIP Drawings.				$ -
	All Sign fabrication cost will be tracked under Item # 22				$ -
					$ -
*	THIS IS MALLARD'S ORIGINAL QUOTE PROVIDED BEFORE BID				$ -
					$ -
					$ -
					$ -
					$ -
				BID TOTAL:	$ 24,220.00

Project Inclusions / Exclusions:

A. A minimum of 15 working days prior notification is required for each move- in. Mallard Const. will not be impacted by Liquidated Damages assessed by the Contractor / Agency due to an inadequate amount of time to completed Mallard Construction Operations. General Contractor is to submit in writing a project schedule prior to the above noted working day requirement.

B. The following materials and services are included in this quote: Thermoplastic [Yes], Paint [No], Markers [No], Traffic Signs-Striping Plans Only [Yes], Mast Arm Signs - To be Supplied Only [No], Thermo/ Paint removal [No], Marker removal [No], Temporary striping [No], Temp tab removal [No], Post "No Parking" Signs [No], Curb Painting [No], Channelizers [No]

C. Total move-ins included in this quote for Permanent Striping / Sign Construction will be as noted: 4 EA
Additional Cost for Mallard Const. to remobilize it's Crew will be charge at the following cost: $ 2,500.00 EA

D. No Traffic control is included in this quote. Traffic control when included in this quote is only for Mallard Const. Operations.

E. If General Contractor or any of its sub-contractors work within Mallard Const. traffic control, the expense will be shared accordingly at Mallard Const. discretion. No advance posting, signing, or CMS is included for Mallard Const. traffic control.

F. Prime Contractor to provide us with a JOBSITE secure area for temporary storage of all hazardous stripe removal debris.

G. Prime Contractor to provide disposal area & dispose of all non-hazardous stripe & marker debris. Disposal area to be on site. If any Striping removals fall below the Roadway Surface or the grooves of the roadway, Mallard Construction will not be held responsible for stripe removal of that material.

05/20/2016 17:07 (FAX) P.001/003

MALLARD CONSTRUCTION INC.

A DVBE UNION CONTRACTOR - Laborers Local # 1184

a SB/DVBE/SDVOSB Company DGS CERT # 1748928 CSLB # 826607 LIC CLASS B, C-31, C-32, D-06, D-38, D-42, D-64

1762 N. Neville St. Orange CA 92865
Ph. (714) 785-5394 Fax (714) 974-1753
E-MAIL: GARY@MALLARDINC.COM

Quote No: GR-2258

Agency: Caltrans

Project: Contract 08-1E3004 - Install Ramp Metering System at NB and SB Entrance Ramps

Bid Date: 5/17/2016

Addenda Noted: 1,2 are noted
DIR Number: 1000007027
Estimator: Gary Rivers
Email Address: gary@mallardinc.com
Cell Phone 714-785-5394

Item	Item Description	Quantity	Unit	Unit Price	Extended Price
2	Construction Area Signs (See below Terms)	1	LS	$ 10,460.00	$ 10,460.00
3	Traffic Control System - For Mallard Forces Only	1	LS	$ 1,500.00	$ 1,500.00
4	Portable Changeable Message Signs	1	LS	$ 5,100.00	$ 5,100.00
19	Furnish Single Sheet Aluminum Sign (.080 Unframed)	50	SF	$ 12.50	$ 625.00
20	Install Sign (Strap and Saddle Method)	20	EA	$ 95.00	$ 1,900.00
21	Furnish Single Sheet Aluminum Sign (.080 Unframed) for Retroreflective Sheeting (Type XI)	72	SF	$ 17.50	$ 1,260.00
					$ -
22	Retroreflective Sheeting (Type XI)	470	SF	$ 16.50	$ 7,755.00
23	Thermoplastic Pavement Marking	72	SF	$ 10.00	$ 720.00
	CAS Terms				$ -
	Price does not include maintenance, relocation changes of dates or replacements.				$ -
	Core Drilling or Concrete Repair / Patchwork is not included				$ -
	Estimate reflects the entire quantity of signs and does not reflect signs to be reused.				$ -
	If Signs are damaged, lost, stolen the Contractor will bear all cost.				$ -
	Price includes all Signs noted in the MIP Drawings.				$ -
	All Sign fabrication cost will be tracked under Item # 22				$ -
					$ -
★	THIS WAS SUBMITTED BY UNITED ENGINEERING ITEM 4 FOR ADDED LATER & PAYED ON 5/20/16 SEE UPPER LEFT CORNOR FOR DATE. ITEM 4 WAS ADDED TO FULFILL 5% GOAL				$ -
				BID TOTAL:	$ 29,320.00

★★ ITEMS 4, 20 & 23 NOT LISTED ON SUB CONT. LISTING at TIME OF BID.

Project Inclusions / Exclusions:

A. A minimum of 15 working days prior notification is required for each move- in. Mallard Const. will not be impacted by Liquidated Damages assessed by the Contractor / Agency due to an inadequate amount of time to completed Mallard Construction Operations. General Contractor is to submit in writing a project schedule prior to the above noted working day requirement.

B. The following materials and services are included in this quote: Thermoplastic [Yes], Paint [No], Markers [No], Traffic Signs-Striping Plans Only [Yes], Mast Arm Signs - To be Supplied Only [No], Thermo/ Paint removal [No], Marker removal [No], Temporary striping [No], Temp tab removal [No], Post "No Parking" Signs [No], Curb Painting [No], Channelizers [No]

C. Total move-ins included in this quote for Permanent Striping / Sign Construction will be as noted: 4 EA
Additional Cost for Mallard Const. to remobilize it's Crew will be charge at the following cost: $ 2,500.00 EA

D. No Traffic control is included in this quote. Traffic control when included in this quote is only for Mallard Const. Operations.

E. If General Contractor or any of its sub-contractors work within Mallard Const. traffic control, the expense will be shared accordingly at Mallard Const. discretion. No advance posting, signing, or CMS is included for Mallard Const. traffic control.

F. Prime Contractor to provide us with a JOBSITE secure area for temporary storage of all hazardous stripe removal debris.

G. Prime Contractor to provide disposal area & dispose of all non-hazardous stripe & marker debris. Disposal area to be on site. If any Striping removals fall below the Roadway surface or the grooves of the roadway, Mallard Construction will not be held responsible for stripe removal of that material.

V A P Construction Inc.

General Engineering Contractor

Fax Transmittal Form

To:

Name: OFFICE ENGINEER
Co: CALTRANS
Tel:
Fax: 916-227-6282

Urgent
For Review
Please Comment
Please Reply

From:

Arvind Prasad

Office : 714.253.3270
Cell : 714.206.9684
Fax : 714.551.9420

Date Sent: 05/25/2016

No. of pages incl. cover: 8

Message:

SEE ATTACHED BID PROTEST
FOR CONTRACT 08-1E3004

Thanks.

Sincerely,

Arvind Prasad
E-mail: Arvind@vapci.com