

V A P Construction Inc.

General Engineering Contractor

Friday, May 27, 2016

To,
Dept. of Transportation
OFFICE ENGINEER
1727 30th Street, MS - 43
Sacramento, CA 95816
Fax: 916-227-8282

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:
This is an extension to my previous bid protest.

- They added Items 4, 20 and 23 in the DVBE commitment form not listed on the subcontractor listing. Section 2-1.15c(1) states the DVBE sub contractor has to be listed in the Subcontractor List form regardless of the percentage of the total bid (noted below below). It was added later to fulfill 5% DVBE GOAL. Based on Subcontractor listing they only achieved 3.9% goal.

Section 2-1.15C(1) General

Section 2-1.15C applies to a project with an estimated cost of more than \$5 million

The Department encourages bidders to obtain DVBE participation to ensure the Department achieves its State-mandated overall DVBE goal.

If you obtain DVBE participation:

1. *Complete and submit the Certified DVBE Summary form. List all DVBE participation on this form.*
2. *List each 1st tier DVBE subcontractor in the Subcontractor List form regardless of percentage of the total bid.*

- **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

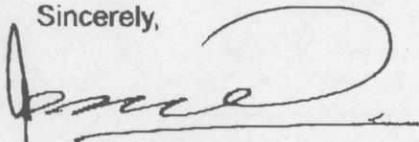
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to bid on the contract as a whole and In general are to be limited to minor components of the overall contract.

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,

A handwritten signature in black ink, appearing to read 'Arvind Prasad', with a horizontal line underneath it.

Arvind Prasad
President / C.E.O.

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