

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER, MS 43

1727 30th STREET

P. O. BOX 168041

SACRAMENTO, CA 95816-8041

PHONE (916) 227-6300

FAX (916) 227-6282

TTY 711

*Flex your power!
Be energy efficient!*

May 17, 2013

Facsimile: (951) 352-4301

Western Structures
Wolfgang Delgado
6005 Tyler Street
Riverside, CA 9250309-352904
09-Ker,Iny-58, 190, 395-Var
B.O. 04/10/2013

Dear Mr. Delgado:

The Department of Transportation (Caltrans) received the attached letter from J. McLoughlin Engineering Company (McLoughlin) dated May 2, 2013, in response to the protest filed by Western Structures on April 23, 2013. The protest alleges that McLoughlin listed on its Disabled Veteran Business Enterprise (DVBE) Summary form Carolino Traffic Control (Carolino) to perform 40.8 percent of work described as traffic control (bid item 3) and did not describe the exact part nor the planned location of the work to be performed by Carolino.

Caltrans has reviewed the DVBE summary and the response provided by McLoughlin and finds that the explanation provided adequately describes the planned location of the work. In addition, the omission of the "exact" location of the work described as traffic control is immaterial since all work being performed on the contract requires traffic control.

Therefore, Caltrans finds the protest submitted by Western Structures lacks merit and will proceed to award this contract to McLoughlin.

If you have any questions, please contact Mulissa Smith, Contract Awards Branch Manager, at (916) 227-6228.

Sincerely,

A handwritten signature in black ink, appearing to read "John C. McMILLAN".

JOHN C. McMILLAN
Deputy Division Chief
Office Engineer
Division of Engineering Services

Attachment

J. MCLOUGHLIN ENGINEERING CO.

10641 Fulton Court
Rancho Cucamonga, CA 91730
Phone: 909/944-1037 Fax: 909/944-3112

May 3, 2013

John McMillan, Deputy Division Chief
Mullisa Smith, Contract Branch Chief
Division of Engineering Services
Office Engineer, MS 43
1727 30th Street
P.O. Box 168041
Sacramento, CA 95816-8041

Subject: Response to Western Structures Protest of 09-352904 DVBE form.

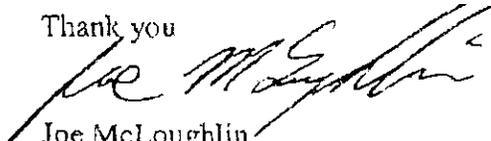
Dear Caltrans and Western Structures,

This letter is a formal response to Western Structures Bid Protest, to address this issue of meeting the requirements of Note 2 on the CERTIFIED DVBE SUMMARY by listing Carolino for 40.8 percent of the Traffic Control Item. Our DVBE Subcontractor will be supplying equipment and manpower for at least 14 shifts of Traffic Control on the above listed project. This information was shown in the attachment that was submitted with the CERTIFIED DVBE SUMMARY; therefore we have fulfilled the requirement of Note 2. The exact part of the work is 40.8% of Item 3 and the planned location is Caltrans Project 09-352904 with at least 14 freeway closures of one lane, one direction, two man crew, one mile with 150 cones, 1 arrow board, 3AWS, and 1 beacon as stated in their proposal. The rest of the planned closures for the project are city street closures and flagging on a two lane road, this work will be performed by J. McLoughlin Engineering. Western Structures is reaching deep into the precise meaning of the word "exact" in Note 2 of the CERTIFIED DVBE SUMMARY.

To this date this has been the accepted practice on the CERTIFIED DVBE SUMMARY forms. Attached are 3 CERTIFIED DVBE SUMMARYS for Projects that have been awarded to a NON DVBE firm. At the time of award these summaries did not state the "Exact Part or Planned Location of work to be performed" and yet they still awarded to the Contractor.

Caltrans needs to return to streamlining the bid process by rejecting the frivolous protests sent in by the non-low bid Contractor as an effort to acquire the project.

Thank you



Joe McLoughlin
President

**** Transmit Conf. Report ****

P. 1
CALTRANS CONTR AWARDS Fax 916-227-6282

May 17 2013 04:53pm

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STATE OF CALIFORNIA--BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

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DIVISION OF ENGINEERING SERVICES
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