DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER,
1727 30th STREET, MS-43
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6299
FAX (916) 227-6282
www.dot.ca.gov/hq/esc/oe

Flex your power!
Be energy efficient!

November 6, 2013

Facsimile: (310) 720-0277

Bob Collins, President
Jabre Contracting
1950 E. 220th Street, Suite 101
Long Beach, CA 90810

09-353304
09-Mno-395-34.1
B. O. 10/9/2013

Dear Mr. Collins:

The Department of Transportation (Caltrans) received the attached letters from Jabre Contracting (Jabre) on October 18, 2013, and October 30, 2013, protesting the bid documents submitted by Herback General Engineering (Herback). The protest alleges that the names and items of work for Gold and Sons Trucking on the Certified DVBE Summary are not consistent with the Subcontractor List. Jabre requests that Caltrans find the bid submitted by Herback nonresponsive and award the contract to Jabre.

The Office of Business and Economic Opportunity, Contract Evaluation Unit (CEU) evaluated the Certified DVBE Summary submitted by Herback and determined that Herback met the 5 percent goal for this project. Furthermore, Gold and Sons Trucking was listed to perform trucking services and certified truckers are not required to be listed on the Subcontractor List.

As such, these two protests submitted by Jabre lack merit. Caltrans will proceed to award this contract to the lowest responsive and responsible bidder, provided that all requirements have been met.

The Resident Engineer will receive a copy of this letter for contract administration and compliance.

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

Sincerely,

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

Attachments

c: District Resident Engineer

JABRE CONTRACTING

1950 220th Suite 101, St. Long Beach, CA 90810
License #698556 A, Small Business #1744323

October 18, 2013

Department of Transportation
Office Engineer MS 43
1727 30th Street,
Sacramento, CA 95816-8041

Attn: John McMillan,
Duty Division Chief
Fax 916 227-6282

Sub: Bid Protest for Caltrans Contract # 09-353304

Dear Mr. McMillan,

Jabre Contracting is protesting the award of contract #09-353304 which bid on October 9th, 2013 from Herback General Engineering for not listing Gold and Sons Trucking consistent with the names and items of work on the Certified DVBE Summary and the Subcontractors list.

Herback General Engineering listed Gold and Sons Trucking on the Subcontractors List for items 40, 41, 52 for 5% of those items which total $654,207.80. Five percent of these items would be $32,710.39.

Herback General Engineering then listed Gold and Sons Trucking on the Certified DVBE Summary for items 41, 49, and 52 for a lump sum $12,052.00 with no back up. These items are not consistent with the Subcontractors list.

Per the Certified DVBE Summary sheet *"Names of the 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".*

The DVBE Summary also states that "*if 100% of an item is not performed or supplied by the DVBE's describe the exact part, including planned location of work to be performed,*

of item to be performed or supplied by DVBE". Thus, meaning back up with prices and or time with rates.

For these numerous faults, Jabre Contracting is protesting this bid and Caltrans should award the job to the next responsible bidder which is Jabre Contracting. Please find the attached documents for your reference.

Sincerely,

Bob Collins
President
(310) 720-0277

Attachments

Low (In Bid Book)

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
CERTIFIED DVBE SUMMARY
DES-OE-0102.5 (REV 3/2008)

Low Bidder

DISTRICT-COUNTY-ROUTE: 09 - Mno - 395-34.1
CONTRACT NO.: 09-353304
TOTAL BID: 973,104.55
BID OPENING DATE: October 9, 2013
BIDDER'S NAME: Herback General Engineering
DVBE PRIME CONTRACTOR CERTIFICATION [1]

No back up

Bid Item Number	Description of Work to Be Subcontracted to DVBE or Materials to Be Supplied by Subcontractors & DVBE [2]	For Caltrans Only	DVBE (Name, Telephone No., and Certification No.)	$ Amount
Not all 49, 41, 52	Trucking		Gold & Sons Trucking 209-418-5208 #1196000	$12,052.00
missing item 40				
52	Pipe Material & Block Retaining Wall Materials		Supply Patriot 714-916-5654 #1449580	$42950.00
			No back up	
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	$ 55,002.00 5.6 %

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 10/18/13

775-267-6800
(Area Code) Telephone Number

Greg Herback
Contact Person (Type or Print)

Submit to:

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

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STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
DES-OE-0102.2 (REV 3/2011)

Bidder Name: Herbach General Engineering

The bidder must identify each subcontractor performing 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.). Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916) 227-6282 within 24 hours after the bid opening. Failure to provide complete information in columns 1 through 4 within the time specified will result in a nonresponsive bid.

Column 1: Business Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
Gold & Sons Trucking Ione, CA	40, 41 52	5%	Trucking
Pavement Recycling Systems Jurupa Valley, CA	39	38%	Asphalt Pulverization
AC Dike Co. Lincoln, CA	41, 43	27%	Place AC Dike Tack Coat
Entek Consulting Rocklin, CA	1, 10, 52	4.2%	Health & Safety Plan Training Clearance Air Sample
NCM Contracting Group Hayward, CA	52	64%	Abatement & Demolition
ACACIA Erosion Control Santa Barbara, CA	34, 35, 36, 37, 38	90%	Erosion Control

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JABRE CONTRACTING

1950 220th Suite 101, St. Long Beach, CA 90810
License #698556 A, Small Business #1744323

October 30, 2013

Department of Transportation
Office Engineer MS 43
1727 30th Street,
Sacramento, CA 95816-8041

Attn: John McMillan,
Duty Division Chief
Fax 916 227-6282

Sub: Bid Protest #2 for Caltrans Contract # 09-353304

Dear Mr. McMillan,

Jabre Contracting is protesting the award of contract #09-353304 which bid on October 9th, 2013 from Herback General Engineering for not listing Gold and Sons Trucking consistent with the names and items of work on the Certified DVBE Summary and the Subcontractors list.

Jabre Contracting would like to bring it to your attention that the Department of Transportation just recently found Peterson Chase nonresponsive for their bid 11-408904 that bid on September 19, 2013 for the same reason that Herback General Engineering made the same identical mistake in not listing their subcontractor God and Sons Trucking consistent with the names and items of work on the Certified DVBE Summary and the Subcontractors list. Caltrans was unable to determine what work was being subcontracted based on the inconsistency. (see attached letter written to Peterson-Chase from Caltrans on October 16th, 2013.)

It is for this reason that Caltrans should remain consistent in finding Herback Engineering nonresponsive as they did Peterson-Chase for the identical findings in their nonresponsive bid and award the job to the next responsible bidder Jabre Contracting.

If you have any further questions please feel free to call me at (310) 720-0277.

Sincerely,

Bob Collins

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY EDMUND G. BROWN Jr. Governor

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 30th STREET
P. O. BOX 168041
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www.dot.ca.gov/hq/esc/oe

Flex your power!
Be energy efficient!

October 16, 2013

Facsimile: (949) 252-0266

Dick W. Vogels, President
Peterson-Chase General Engineering Const., Inc.
1792 Kaiser Avenue
Irvine, CA 92614

11-408904
11-SD-5, 15, 52, 56, 78, etc.-Var
B.O. 09/19/2013

Dear Mr. Vogels:

The Department of Transportation (Caltrans) received a bid from Peterson-Chase General Engineering Construction, Inc. (Peterson-Chase) for contract 11-408904 on September 19, 2013. By this letter, Caltrans notifies Peterson-Chase that its bid is nonresponsive because it submitted an inconsistent Subcontractor List and DBE Commitment Form.

The DBE Commitment Form states in part "*...Names of the first tier DBE subcontractors and their respective item(s) of work listed above must be consistent, where applicable, with the names and items of work in the Subcontractor List*".

Peterson-Chase listed on its Subcontractor List Integrity Rebar Placers (Integrity) to perform bid item numbers 19, 21 and 28 in column 2. However, on its Disadvantaged Business Enterprise (DBE) Commitment Form, Peterson-Chase listed Integrity to perform bid items 20, 21 and 28. Caltrans was unable to determine what work was being subcontracted based on the inconsistency.

Based on the above, Caltrans will proceed to award the contract to the lowest responsible bidder provided that all requirements are met.

Your attention is directed to Section 3-1.04 of the 2010 Standard Specifications. Caltrans is not obligated to offer an extension of the award period for a nonresponsive bid. Should you wish to extend your bid while resolving a nonresponsive finding, you must send your request to the Office Engineer no later than 4:00 p.m. two business days prior to the expiration of your bid.

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

Sincerely,

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

Attachment

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
DES-DE-0102.2 (REV 3/2011)

PETERSON-CHASE GENERAL ENGINEERING CONSTRUCTION INC.

Bidder Name: _____

The bidder must identify each subcontractor performing 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.). Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916) 227-8282 within 24 hours after the bid opening. Failure to provide complete information in columns 1 through 4 within the time specified will result in a nonresponsive bid.

Column 1: Business Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
Integrity Rebar Placers Murrieta, CA	19 28 21	16% 100% 7%	Rebar
Payco Specialties Chula Vista, CA	9-11, 29-38	100%	Stripe and stripe removal

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Low Bidder

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
CALTRANS BIDDER - DBE - COMMITMENT
DES-OE-0102.10C (NEW 08/2012)

09-23-13 P12:13 RCVD

This information may be submitted with your bid proposal. If it is not, and you are the apparent low bidder or the second or third low bidder, it must be submitted and received as specified in section 2 of the specifications. Failure to submit the required DBE information will be grounds for finding the bid nonresponsive.

CONTRACT NO: 11-408904

BID AMOUNT: $ 1,660,382.10

BID OPENING DATE: 9/19/13

BIDDER'S NAME: Peterson-Chase General Engineering Construction, Inc.

DBE GOAL FROM CONTRACT, %: 10%

DBE PRIME CONTRACTOR CERTIFICATION[1]:

BID ITEM NO.	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED[2]	FOR CALTRANS USE ONLY	NAME OF DBE[3] (Must be verified on the DBE bidder list required - include Caltrans certification #, DBE address and phone number. Indicate 2nd and later tier relationship)	DOLLAR AMOUNT DBE[4]
20,21,28	FURNISH REBAR		INTEGRITY REBAR PLACERS PERRIS, CA 951-696-2843 CERT# 34785	$ 37,084.10
9,10,11,29-38	STRIPING		PASCO SPECIALTIES CHULA VISTA, CA 619-422-9204 CERT# 102	$ 111,724.00
3,4	FURNISH TRAFFIC CONTROL EQUIPMENT		FULL TRAFFIC MAINT. CORONA, CA 951-319-9100 CERT# 35742	$ 24,880.00
			Total Claimed Participation	$ 173,688.—
				10.5 %

IMPORTANT: Identify all DBE firms being claimed for credit, regardless of tier. Name of the First Tier DBE firm subcontractor and their respective business activity which should also exist be established, where applicable, with the names and items of work in the "Subcontractor List" submitted with your bid. Copies of the DBE quotes are required.

1. DBE prime contractors must enter their certification number and indicate all work to be performed by DBEs including work performed by their own forces.
2. If "NONE" of the work is not to be performed or furnished by DBE, describe what portion of work is to be performed or furnished.
3. See section 2-1.12 of the specifications to determine the credit allowed for DBE firms.

Signature of Bidder

9-21-13 949-252-0441
Date (Area Code) Tel. No.

DICK VOGELS, VICE PRES.
Person to Contact (Please Type or Print)

Submit to:

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

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Low (In Bid Book)

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION

CERTIFIED DVBE SUMMARY

DES-OE-0102.5 (REV 3/2008)

Low Bidder

DISTRICT-COUNTY-ROUTE: 09 - Mno - 395-34.1

CONTRACT NO.: 09-353304

TOTAL BID: 973,104.55

BID OPENING DATE: October 9, 2013

BIDDER'S NAME: Herback General Engineering

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
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			Total Claimed Participation	$ 55,002.00 5.6 %

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.

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: 10/8/13

775-267-6800
(Area Code) Telephone Number

Greg Herback
Contact Person (Type or Print)

Submit to:

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

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** Transmit Conf.Report **

P.1 Nov 6 2013 04:48pm
CALTRANS CONTR AWARDS Fax 916-227-6282

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
913105136299	Normal	06:04:46pm	1'53"	10	# O K	

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
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Bob Collins, President
Jabre Contracting
1950 E. 220th Street, Suite 101
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09-353304
09-Mno-395-34.1
B. O. 10/9/2013

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The Resident Engineer will receive a copy of this letter for contract administration and compliance.

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

Sincerely,

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

Attachments

c: District Resident Engineer