

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,

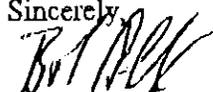
Jabre Contracting is protesting the award of contract #09-353304 which bid on October 9th, 2013 from Herback General Engineering for not listing Gold and Sons Trucking consistent with the names and items of work on the Certified DVBE Summary and the Subcontractors list.

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
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!*

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	16%	Rebar
	20	100%	
	21	7%	
Payco Specialties Chula Vista, CA	9-11, 29-38	100%	Stripe and stripe removal

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 864-6410 or TDD (916) 864-3880 or write Records and Forms Management, 1120 N Street, MS-09, Sacramento, CA 95814.

Contract No. 11-408904

Low Bidder

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
CALTRANS BIDDER - DBE - COMMITMENT
 DBE-050102100 (NEW 08/2012)

09-21-13 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 specific items. 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:

BID ITEM NO.	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED	FOR CALTRANS USE ONLY	NAME OF DBE (Must be verified on the date bid is opened - include Caltrans certification #, DBE address and phone number) (Include 2nd and 3rd tier for subcontractors)	DOLLAR AMOUNT DBE
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	\$ 111,924 ¹⁰
3, 4	FURNISH TRAFFIC CONTROL EQUIPMENT		FULL TRAFFIC MAINT. CORONA, CA 951-374-9100 CERT # 35742	\$ 24,880 ¹⁰
<p>IMPORTANT: Identify all DBE firms to be utilized for each, regardless of the amount of the final DBE goal commitment and their respective amount of work listed above and, if available, with the names and phone numbers of the "Subcontractor List" submitted with your bid. Copies of the DBE goals are required.</p> <p>1. DBE prime contractors must enter their verification number and indicate all work to be performed by DBEs including work performed by their own forces.</p> <p>2. If 100% of items to be performed or furnished by DBE, describe exact portion of items to be performed or furnished.</p> <p>3. See section 2-1.12 of the specifications to determine the credit allowed for O&D items.</p>				Total Claimed Participation \$ 173,688 10.5%

Dick Vogels
 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)

MSC 43
 OFFICE ENGINEER
 DEPARTMENT OF TRANSPORTATION
 1727 38TH STREET
 SACRAMENTO, CA 95816-7005

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 644-6410 or TDD (916) 644-5880 or write to Records and Permit Management, 1120 N Street, MS-88, Sacramento, CA 95814.