

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!*

September 18, 2013

Facsimile: (714) 646-3698

Anjana Singh, Secretary
Dreambuilder
1324 E. Lawson Lane
Placentia, CA 92870

10-OS9504
10-Mer-99-13.1/R36.7
B.O. 08/21/2013

Dear Ms. Singh:

The Department of Transportation (Caltrans) received the attached letter dated August 31, 2013 from Dreambuilder, protesting the bid submitted by Brian J. Federico (Federico). The protest alleges that Fedco failed to complete column 3 on the Subcontractor List form submitted on August 21, 2013. In addition, Federico submitted a late 24-hour Subcontractor List form. Dreambuilder is requesting that Caltrans find the bid submitted by Federico nonresponsive.

Caltrans conducted a review of the bid documents as well as the protest and determined that Bradley Tanks, Inc. (Bradley) was not listed to perform Bid Item 12 Roadway Excavation (Type Z-2) (Aerially Deposited Lead) in totality. Instead, Bradley was listed to perform only the Trucking and Dumping of Aerially Deposited Lead portion of Bid Item 12, which is not a subcontractable item. Therefore, Federico was not required to list this portion of work on its Subcontractor List form. As a result, Caltrans finds that Federico's bid is responsive.

Based on the above, Caltrans finds Dreambuilder's protest lacks merit and will proceed to award the contract to the lowest responsible bidder provided that all requirements are met.

If you have any questions, please contact Nicole Butler, Contract Awards Analyst, at (916) 227-6292.

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

Dreambuilder

1361 E. Garten Dr, Placentia, Ca 92870
Ph (714) 646-3697, fax (714) 646-3698

Civil Engineering Construction

Department of Transportation
Office Engineer MS 43
1727 30th Street, Sacramento, Ca 95816
Ph: 916-227-6280 Fax: 916-227-6282
Attn: John C MacMILLAN

Date: 8/31/2013

Sub: Bid protest for Caltrans Contract # 10-0S9504
Bid open on 8/21/2013 @ 2:00PM in Sacramento, Ca
Reference: Caltrans bid proposal for Contract # 10-0S9504

Dear Mr. John,

We are submitting formal bid protest for this project. We were 2nd bidder on this project. Fedco is lowest bidder on this project.

As per bid book of this contract states:

"The bidder must identify each subcontractor performing work in an amount in excess of 1/2 of 1 percent of total bid or \$10,000, whichever is greater (PubCont Code 4100 et seq.). Complete columns 1 & 4 and submit with the bid.

Complete columns 2 & 3 and submit with bid or fax to 916-227-6282 within 24 hrs after bid opening. Failure to provide complete information in columns 1 through 4 within the specified time will result in a nonresponsive bid." No other revisions to the form are permitted after 24hrs of bid opening.

1. At the time of bid Fedco had submitted their Subcontractor List with filled col # 1 & 4, but they did not completed column # 3 for bid item # 12, as per bid book instruction they failed to submit completed form for Col # 3 for item # 12 (Within 24 Hrs of bid opening time).

They had submitted their revision on 8/23/2013 at 3:55PM (as per Caltrans date stamp), and dead line time of submittal was 8/22/2013 at 2:00PM

But no revision or incomplete submittal for col # 2 & 3 is permitted for column # 1 to 4 after 24hrs of bid opening. If any revision is made bid should be considered as non responsive bid.

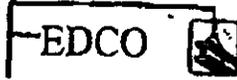
Since Fedco did revision in subcontractor list in column # 3 for item # 12 after 24hrs of bid opening, therefor their bid has to declared non responsive bid and contract should be awarded to Dreambuilder.

Thank you.

Sincerely,



Alex Singh
Project Coordinator.



General Engineering & Building Construction

Structural Concrete

Shotcrete

Gunite

Foundations

Fax Cover Sheet

To: CALTRANS From: MARK HARTMAN
 Company: _____ Date: 8/22/2013
 Phone: _____ Re: 10-059504
 Fax: 916-227-6282 No. of pages including cover sheet

MESSAGE:

ADDITIONAL SUBCONTRACTOR INFO
& OMISSIONS

Submitted

916-227-6282 (611)
08/23/13 03:55 PM

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

Bidder Name: BRIAN FEDERICO DBA FEDCO

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
BTI / BRADLEY TANK INC.	12	38.5%	TRUCKING / HAULING / DUMPING OF AGRICULTURE DEPOSITED LEAD MATERIAL
<p>Submission on 8/23/13 @ 3:55 PM This subcontracting Request had to be submitted with 24 hr of bid opening.</p>			

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 854-6810 or TDD (916) 854-3880 or write Records and Forms Management, 1120 N Street, MS-02, Sacramento, CA 95814.

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
 DES-0E-0102.2 (REV 3/2011)

Bidder Name: BRIAN FEDERICO DBA FEDCO

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
KRC SAFETY CO P.O. BOX 6356 VISALIA, CA 93290	2	85%	CONSTRUCTION AREAS SIGNS PARTIAL
	3	85%	PARTIAL TRAFFIC CONTROL SYSTEM
	4	85%	PORTABLE CHANGABLE MESSAGE SIGN PARTIAL
	1	85%	LEAD COMPLIANCE PLAN PARTIAL
ESWPPP CONSULTANTS 902 CORTINA COURT WALNUT CREEK, CA 94598	6	85%	PREPARE WATER POLLUTION CONTROL PROGRAM PARTIAL
	12		PARTIAL TRUCKING & DUMPING OF ASBESTOS DEPOSIT TO LGAO
MURPHY INDUSTRIAL CONTING'S 2704 HUNDRY AVENUE SIGNAL HILL, CA 90755-1811	15	85%	PARTIAL/PAINT CONCRETE SURFACES
	16	85%	PARTIAL/ANTI GRAFFITI COATING
ALL STEEL FENCE P.O. BOX 1309 LATHROP CA. 95330	18	85%	CHAIN LINK FENCING (TYPE) PARTIAL

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4/1/13

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

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

Sep 18 2013 04:08pm

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
917146463698	Normal	18:04:07pm	0'45"	5	# 0 K	

STATE OF CALIFORNIA—CALIFORNIA TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
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Sincerely,

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

Attachment