

BAY CITIES PAVING & GRADING INC.

Bus: 1450 Civic Court, Bldg. B Suite #400, Concord, CA 94520
(925) 687-6666
Fax (925) 687-2122

Mall: Post Office Box 6227, Concord, CA 94524-6227

September 18, 2014

FAXED

Department of Transportation, MS 43
Attn: John McMillan, Deputy Division Chief
1727 30th Street
Sacramento, CA 95816

Project: 10-0V6604
Bid Opening: 09/03/14
Re: Response to Protest Letter of Security Paving Company, Inc.

Dear Mr. McMillan,

On September 16, 2014, Security Paving Company ("SPC") submitted a protest of Bay Cities' bid. In its letter, SPC argues that Bay Cities' use of item numbers as descriptions on the Subcontractor List is somehow in violation of the Subletting and Subcontracting Fair Practices Act. This argument has previously been discredited and rejected by Caltrans for many prior projects. For instance, on Contract 08-OK3104, Chester Bros. wrote two letters protesting Las Vegas Paving's use of Item numbers to describe the work to be performed. Las Vegas had listed item numbers in Column 4 on bid day and then submitted its percentages in Column 2 in its 24-Hour Letter. In rejecting Chester Bros.' protests, Caltrans wrote that "Caltrans finds that the description of work to be performed in column 4 of the Subcontractor List is acceptable." (See Attachment A). For Contract No. 12-0P96E4, Flatiron protested Shimmick Construction's use of item numbers to provide descriptions of subcontractor work on the Subcontractor List. Caltrans rejected Flatiron's protest and found that Shimmick's bid was responsive. (See Attachment B). On Contract, 07-278204, Velarde Concrete protested the bid of STL Landscape for using bid items as descriptions in STL's Subcontractor List. Again, Caltrans rejected this protest (see Attachment C) and stated:

"With respect to the protest as it relates to the Subcontractors List and DBE Commitment forms, it is acceptable for a bidder to use the descriptions as noted from the bid item list to complete the description of work to be performed."

Bay Cities has listed item numbers as its descriptions of work exactly as Las Vegas Paving, Shimmick Construction and STL had done. In exactly the same situations, Caltrans has held that such use is acceptable and has rejected the protests. As recently as 10 days ago, Caltrans awarded Contract 05-1C3304 to Graniterock Company who also used item numbers for descriptions of subcontractor work. SPC's protest lacks merit and should be rejected and the award should be made to Bay Cities. If you have any questions about this, please contact me.

Sincerely,



Marlo Manqueros
Vice-President

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 30th STREET
P. O. BOX 168041
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6280
PAX (916) 227-6282
TTY 711

Attachment A
Pg 1 of 3



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August 21, 2013

Facsimile: (209) 263-0123

Shawn N. Simmons, Western Division Manager
Chester Bross Construction Company
39 California Street PMB 118
Valley Springs, CA 95252

08-0K3104
08-SBD-95-51.2/51.6
B.O. 07/11/2013

Dear Mr. Simmons:

The Department of Transportation (Caltrans) received the attached letters from Chester Bross Construction Company (Chester Bross) for Contract No. 08-0K3104 on July 26 and August 9, 2013, protesting the Subcontractor List form submitted by Las Vegas Paving Corporation (LVP). The protest alleges that LVP did not adequately describe the work to be performed by each subcontractor in column 4; that Bid Item 5, Traffic Control System, was listed as work to be performed for more than one Subcontractor; and that LVP omitted Bid Item 43, Thermoplastic Traffic Stripe. Chester Bross requests that Caltrans find the bid submitted by LVP nonresponsive and award the contract to Chester Bross.

After further review of the bid documents and the protest submitted by Chester Bross, Caltrans finds that the description of work to be performed in column 4 of the Subcontractor List is acceptable and further finds that Bid Item 5, Traffic Control, was listed by two separate contractors, but the total work to be performed was less than 100 percent of the bid item. As such, LVP has met the requirements for submission of the bid and cannot be found nonresponsive on the basis of which Chester Bross is asserting.

Therefore, Caltrans finds that Chester Bross' protest lacks merit and will proceed to award this contract to the lowest responsible bidder.

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

Attachment A.
Pg 2 of 3

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

Bidder Name: Las Vegas Paving Corporation

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
Landscape Support Service Sherman Oaks, CA	16	92%	16
	17	89%	17
	31	90%	31
	32	92%	32
	33	94%	33
	36	86%	36
KRC Safety CO Inc Vladia, CA	4	91%	4
	7	92%	7
	8	89%	8
	9	43%	9
	11	92%	11
	25	91%	25
Lampides Environmental Organisation San Diego, CA	20	92%	20
	21	92%	21
Pacific Coast Markings Petal, CA	1	91%	1
	5	18%	5
	6	70%	6
	19	92%	19
	44	92%	44
Pavement Recycling Systems Yurupa Valley, CA	39	92%	39
Sequoia Consultant Orange, CA	38	6%	38
Force Traffic Control Essex, CA	5	26%	5

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Attachment A
Pg 3 of 3

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
DES-05-0102.2 (REV 3/2011)

Bidder Name: Las Vegas Paving Corporation

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
Landscape Support Service Sherman Oaks, CA			16, 17, 31, 32, 35, 36
KCC Safety CO Inc Visalia CA			4, 7, 8, 9, 11, 25, 42
Lamprides Environmental Organisation San Diego, CA			20, 21
Pacific Coas + Markings Phelan, CA			1, 5, 6, 19, 44
Pavement + Recycling Systems Turkey Valley CA			39
Sequoia Consultants Orange CA			38
Force traffic Control Exeter CA			5

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7/10/14

STATE OF CALIFORNIA - BUSINESS, TRANSPORTATION AND HOUSING 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) 227-6280
FAX (916) 227-6282
TTY 711



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Attachment B
Pg 1 of 2

December 4, 2013

Facsimile: ~~(909) 944-3112~~

Troy Neuenswander, Vice President
Flatiron West Construction Corp.
10641 Fulton Court
Rancho Cucamonga, CA 91730

*1710 W. 20th Drive
San Marcos, CA 92078*

12-0F96E4
12-Ora-5-6.2/8.7
B.O. 10/31/2013

Dear Mr. Neuenswander:

The Department of Transportation (Caltrans) received the attached letter dated November 19, 2013 from Ernest C. Brown of Smith, Currie & Hancock LLP on behalf of Flatiron Construction Corp. (Flatiron), protesting the bid submitted on aforementioned contract by Shimmick Construction Company, Inc. (Shimmick) on October 31, 2013. The protest alleges that Shimmick failed to provide complete information in Columns 1 through 4 within the time specified on the Subcontractor List form. Furthermore, did not give a description of work for their listed subcontractor R.J. Noble (Noble) on the Subcontractor List on the day bids were opened and changed the work description on the 24 hour submittal.

Caltrans conducted a review of the bid documents submitted by Shimmick and has determined that Shimmick, on its Subcontractor List submitted on bid day, did not provide a short term summary of the work to be performed, but instead listed the actual items of work (Bid Items 136-143) being subcontracted to Noble. However, on the 24 hour submission, Shimmick did list Noble to perform the same work, using the same bids item numbers and included a short term description of the work. As such, the use of terminology in lieu of the bid items had no material effect on the scope of work to be performed by Noble.

Given the explanation provided above, Caltrans finds the bid submitted by Shimmick responsive and will proceed to award the contract to the lowest responsive and responsible bidder, provided that all requirements have been met.

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

Sincerely,

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

Attachments

RECEIVED

Attachment B
Page 2 of 2

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
OEB-06-0102.2 (REV 3/2011)

Bidder Name: Shimmiok Construction Company, Inc

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
Ace Fence Co. La Puente, CA			Fence/MB GR/ Crash Cushions (React)
Case Pacific Pasadena, CA			CI OH
Sierra Landscape Arcadia, CA			Landscape Irrigation
BJS Noble Orange, CA			Item 136-143
Reycon Santa Paula, CA			Item 191 Sound wall masonry
Foundation Pile Oakley, CA			Drive / Furnish Piles

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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/bq/eac/oe

Attachment C
Page 1 of 2



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April 18, 2014

Facsimile: (818) 898-2330

Gustavo Velarde, CEO
Velarde Concrete Construction, Inc.
523 S. Brand Boulevard, Ste. 201
San Fernando, CA 91340

07-278204
07-LA-10, 110, 118, 134, 210, 710-Var
B.O. 03/27/2014

Dear Mr. Velarde,

The Department of Transportation (Caltrans) received the attached letter dated April 17, 2014, from Velarde Concrete Construction, Inc. (Velarde), protesting the bid documents submitted by STL Landscape, Inc. (STL). The protest alleges that STL failed to acknowledge the Addenda, and improperly submitted the Subcontractor List form and the Disadvantaged Business Enterprise (DBE) form by using bid item numbers to describe the work to be performed. Velarde requests that Caltrans find STL nonresponsive.

Caltrans conducted a review of the bid documents, as well as the protest and determined that during a review of initial bid documents, STL was notified that the addenda was not acknowledged. Upon our request to provide proof of acknowledgment, STL did acknowledge the addenda and that it was in fact incorporated in the bid. With respect to the protest as it relates to the Subcontractors List and DBE Commitment forms, it is acceptable for a bidder to use the descriptions as noted from the bid item list to complete the description of work to be performed.

Based on the findings above, Caltrans finds Velarde's protest does not have merit and will proceed to award this contract to STL Landscape, Inc.

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

Sincerely,

for

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

Attachment

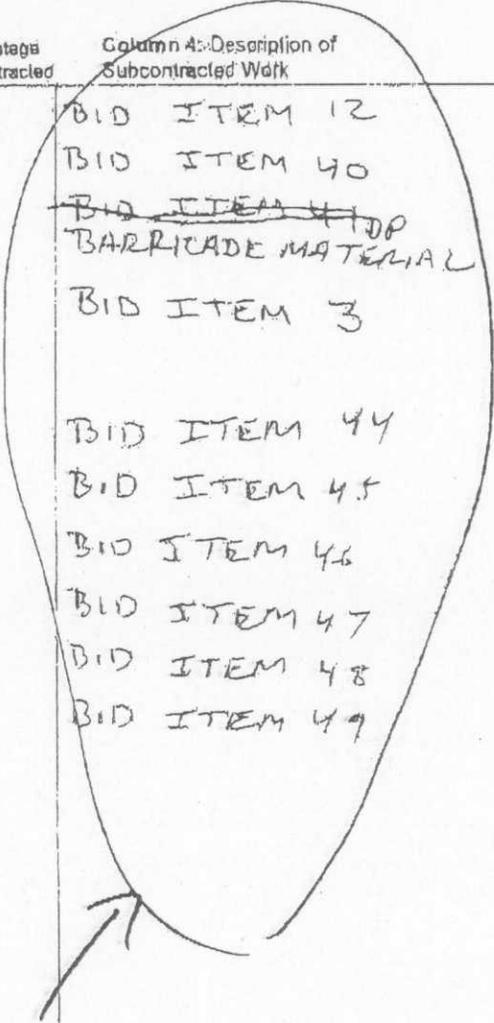
Attachment C
Page 2 of 2

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
DES-0E-0102.2 (REV. 9/20/11)

Bidder Name: SIL LANDSCAPE, INC.

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
ACE FENCE La Puente, CA	12	100%	BID ITEM 12
	40	100%	BID ITEM 40
	41	60%	BID ITEM 41 BARRICADE MATERIAL
KRC SAFETY, CO. Visalia, CA	3	100%	BID ITEM 3
VT Electric ONTARIO, CA	44	100%	BID ITEM 44
	45	100%	BID ITEM 45
	46	100%	BID ITEM 46
	47	100%	BID ITEM 47
	48	100%	BID ITEM 48
	49	100%	BID ITEM 49



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T.M.

facsimile TRANSMITTAL

to: John McMillan/ Deputy Division Chief, Caltrans
fax #: (916) 227-6282
re: CDOT Contract 10-0V6604, Response to Security Paving Protest
date: September 18, 2014
pages: 9, including cover sheet.

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From the desk of...

Marlo Manqueros
 Vice-President
 Bay Cities Paving & Grading, Inc.
 P.O. Box 6227
 Concord, CA 94524-6227

(925) 446-6001
 Fax: (925) 687-2122