

**DEPARTMENT OF TRANSPORTATION**  
DIVISION OF ENGINEERING SERVICES  
OFFICE ENGINEER  
P.O. BOX 1  
68041, MS-43  
SACRAMENTO, CA 95816-8041  
PHONE (916) 227-6299  
FAX (916) 227-6282  
TTY 711  
www.dot.ca.gov



*Serious drought.  
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June 9, 2015

Facsimile: (503) 682-0110

John H. Weisner, President  
Coral Construction Company.  
P.O. Box 347  
Wilsonville, OR 97070

10-0X5404  
10-SJ-5-41.7/45.9  
B.O. 4/21/2015

Dear Mr. Weisner:

The Department of Transportation (Caltrans) received letters dated May 6, 2015, from Marc Roberts of Coral Construction Company (Coral Construction), protesting the bids submitted by Midstate Barrier, Inc (MBI) and Apex Fence Company, Inc. (Apex Fence). The protest alleges that MBI did include the percentages of work for each subcontractor listed. The protest further alleges that, Apex incorrectly listed work category codes on its Disadvantaged Business Enterprise (DBE) form for KRC Safety CO., Inc. (KRC). Apex listed the work category code of C1201 for work described as Channelizer, PCMs, and Temp K Rail. KRC, based on their approved DBE work codes, KRC is not eligible to install barrier (Temp K Rail) in a DBE capacity, rather they are eligible to supply the item. Furthermore, Apex listed KRC on their Subcontractor List form to perform 100 percent of the work associated with the items. As a result, their participation should be disallowed from their DBE commitment which would lower their committed participation to \$ 133,286.75 or 9.88% of their bid, which is less than the required 16% goal. Coral Construction requests that Caltrans find the bid submitted by Apex nonresponsive.

As the protest relates to MBI, Caltrans did not conduct a review of the protest, since the bid submitted by MBI was found nonresponsive.

As the protest relates to the work category code(s) listed for KRC; KRC was certified with various work category codes, and is certified with the following work category codes as displayed in the CUCP database;

C0612 SAFETY SUPPLIER; C0683 GUARD RAILINGS & BARRIERS SUPPLIER; C1200 CONSTRUCTION AREA SIGNS; C1201 TRAFFIC CONTROL SYSTEM; C1290 TEMPORARY RAILING (TYPE K); C1522 RESET, ADJUST ROADWAY ITEMS; C2030 EROSION CONTROL; C2066 TEMPORARY EROSION CONTROL; C3930 PAVEMENT REINFORCING FABRIC; C4906 CAST-IN-DRILLED-HOLE CONCRETE PILING; C5100 CONCRETE STRUCTURE; C5601 SIGN STRUCTURE; C5620 ROADSIDE SIGN; C8101 SURVEY OR HISTORICAL MONUMENT; C8201 OBJECT MARKER; C8320 METAL BEAM GUARD RAILING; C8331 CONCRETE BARRIER; C8405 THERMOPLASTIC TRAFFIC STRIPING & MARKING; C8406 PAINTED TRAFFIC STRIPING & MARKING; C8501 PAVEMENT MARKING; C9605 FLAT BED TRUCKING; C9774 TRUCKER; C9907 CONSTRUCTION EQUIPMENT RENTAL;

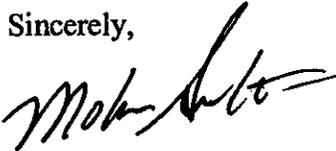
Mr. J. Weisner  
June 9, 2015  
Page 2

The Office of Business and Economic Opportunity, Contract Evaluation Branch (CEB) has evaluated Apex 's DBE documents and determined that Apex does hold the correct work category codes and is certified to perform the work as listed. Furthermore, CEB has determined that Apex met the stated contract goal of 16 percent.

Based on the above determination, Caltrans finds that this protest has no merit and will proceed to award this contract to Apex, the lowest responsive and responsible bidder, provided that all requirements have been met.

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