

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER

1727 30th STREET, MS-43

P.O. BOX 168041

SACRAMENTO, CA 95816-8041

PHONE (916) 227-6299

FAX (916) 227-6282

TTY 711

www.dot.ca.gov



*Serious Drought.
Serious drought.
Help save water!*

July 31, 2015

Facsimile: (858) 536-3131

Colleen Coffman, President
Coffman Specialties, Inc.
9685 Via Excelencia
San Diego, CA 92126

11-288814
11-SD-11, 125, 905-Var
B.O. 06/11/2015

Dear Ms. Coffman:

The Department of Transportation (Caltrans) received a received letters dated June 24, and July 10, 2015, from Coffman Specialties, Inc. (Coffman) protesting bid documents submitted by Flatiron West, Inc. (Flatiron) on June 11, 2015, for Contract Number 11-288814. The protest alleges that Flatiron made material deviations from the bid requirements. More specifically, Flatiron listed Southwest V-Ditch (V-Ditch) to perform 82% of bid item 134 and described the work as "Ditch Excavation" not "Slope Paving". Coffman argues that Flatiron did not provide the correct description of work for bid item 134. Instead, Flatiron's description of the work is for bid item 50 (Ditch Excavation). Furthermore, Flatiron listed Morales Contracting Services (Morales) to perform 3% of bid item 82 and described the work as "Jointed Plain Concrete Pavement" instead of describing the exact portion that Morales would perform which is "Green Saw". Lastly, Flatiron listed Bert W. Salas, Inc. to perform 98% of bid item 135 but failed to list the description of work. Coffman requests Caltrans find Flatiron nonresponsive award the contract to Coffman.

Caltrans reviewed the bid documents submitted by Flatiron and has determined the following;

1. As the protest relates to the listing of V-Ditch, Flatiron immediately notified Caltrans of inadvertent clerical errors contained in Flatiron's bid, specifically that the description related to bid item 134 was inadvertently stated as Ditch Excavation, which V-Ditch was also listed as performing, rather than Slope Paving. Since V-Ditch is performing 100 percent of bid items 50 and 132 (ditch excavation and concrete ditch lining), in addition to 82 percent of bid item 134 (slope paving – rock cobble), it is Caltrans' determination that the inadvertent listing of the description of bid item 134 as Ditch Excavation rather than Slope Paving is an immaterial deviation, as it does not materially affect the bid in that it does not affect either the bid amount or the bid items being performed by V-Ditch. It is therefore, within Caltrans' determination to waive the immaterial deviation.
2. As the protest relates to Flatiron listing Morales to perform bid item 82 and listing the description of work as Jointed Plain Concrete Pavement instead of describing the portion of work as Green Saw as it was described on the DBE Commitment Form. Bid Item 82 is described on the Bid Item List that is part of the bid as Jointed Plain Concrete Pavement. Flatiron listed Morales as performing 3% of Bid Item 82. The fact that Flatiron provided a more detailed description of that work on the DBE Commitment Form as Green Saw Jointed Plain Concrete Pavement is an immaterial deviation.

Ms. C. Coffman

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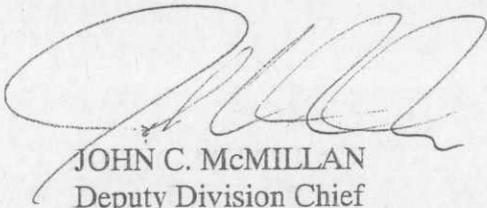
The quote submitted as part of the DBE Commitment for Morales establishes that Morales was only ever going to perform the Green Saw portion of Bid Item 82. The fact that Flatiron did not clarify this on the Subcontractor List form does not materially affect the bid.

3. As the protest relates to Flatiron failing to list a description for bid item 135 for Bert W. Salas, Caltrans find that the failure to list a description for 98% of bid item 135 is an immaterial deviation. The Bid Item List shows bid item 135 as Rock Slope Protection Fabric (Class 8). The Bid Item List also shows a quantity of 560 SQYDs for an item total of \$2,284. Both the Subcontractor List and the DBE Commitment forms list Bert W. Salas as performing bid item 135. The quote submitted to Flatiron by Bert W. Salas lists bid item 135 Rock Slope Protection Fabric (Class 8) for 540 SQYDs. Caltrans can therefore determine the scope of Bert W. Salas' contract. Therefore, Caltrans finds no material error in the absence of this description and this clerical error can therefore be waived by Caltrans.

Based on the above, Caltrans finds that Coffman's protest does not have merit and will proceed to award the 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

TRANSMISSION VERIFICATION REPORT

TIME : 07/31/2015 16:03
NAME : OE AWARDS
FAX : 9162276320
TEL : 9162276299
SER.# : BROM3J484361

DATE, TIME : 07/31 16:02
FAX NO./NAME : 918585363131
DURATION : 00:00:35
PAGE(S) : 02
RESULT : OK
MODE : STANDARD
ECM

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

BDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

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Caltrans reviewed the bid documents submitted by Flatiron on 07/31/2015.