



OHL USA

06-23-15 A11:28 RCVD

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June 22, 2015

Department of Transportation
Office Engineer, MS43
1727 30th Street
Sacramento, CA 95816-7005

Attn: Mr. John McMillan
Office Engineer

Re: Contract 11-288814
Bid Date 06/11/2015
Bid Protest

Mr. McMillan,

We have reviewed the bid documents for the above referenced project submitted by both Coffman Specialties, Inc. (Coffman) and Flatiron West, Inc. (Flatiron) and find numerous inconsistencies and errors in their respective bids. These defects are of such magnitude that we herein request that the bids submitted by both Coffman and Flatiron be deemed non-responsive and the project be awarded to OHL USA being the lowest responsive bidder.

Coffman Specialties, Inc.

Coffman failed to properly submit the Subcontractor List. Revised Standard Specification Section 2-1.10 Subcontractor List, as is applicable to this Contract, provides in pertinent part:

- "4. *Portion of work it will perform. Show the portion of the work by:*
- 4.1 *Bid item numbers for the subcontracted work*
 - 4.2 ***Percentage of the subcontracted work for each bid item listed***
 - 4.3 *Description of the subcontracted work if the percentage of the bid item listed is less than 100 percent."*

Coffman's list includes 13 items where no percentage of the subcontracted work was listed. Coffman has attempted to leave their options open by using the term "partial" to fulfill the requirement. This practice has been rejected on prior bids (i.e. 10-0V9004 & 05-1F6104) and Caltrans established such as grounds for a non-responsive determination. The revised standard specifications also require the Subcontractor List submittal deadline as "Time of bid except for the public works contractor registration number".



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Flatiron West, Inc.

Flatiron's letters of 6/11 & 6/12 to the Office Engineer detail the numerous errors and significant irregularities with their proposal including incorrect details for not only their proposed subcontractors, but also themselves.

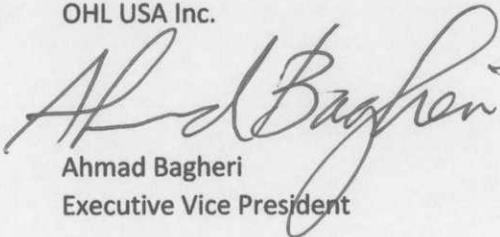
Flatiron has listed Coral Construction Company CSLB # 332441 for Items 36, 101, 102, 103, and 104 with no percentage of work nor a description. In an attempt to extend its options, Flatiron listed Coral Construction Company CSLB #275199 for the same items with percentages and descriptions; however utilizes an invalid license number. Flatiron has listed Southwest V-Ditch for ditch excavation under Item 134 and subsequently attempts to change the scope to slope paving. Similarly, Flatiron listed Morales Contracting Services for Jointed Plain Concrete Pavement and then attempts to alter the scope to "green saw" jointed plain concrete pavement. It has been long settled since Valley Crest Landscape v. City of Davis, (41Cal.App.4th 1432, (1996)) that post-bid attempts to correct mistakes, if allowed, would create an unfair advantage not available to other bidders and as such make a bid non-responsive.

Additionally, Flatiron has listed Item 135 with a percentage of 98 yet list no description of work. This defect is similar to the defects enumerated for the Coffman bid and is grounds for a determination of non-responsive.

In order to maintain consistency in the evaluation of bid submissions and to preserve the integrity of the bidding process, we herein request that the bids of both Flatiron and Coffman be deemed non-responsive and proceed to award to OHL USA as the lowest responsive bid. OHL USA stands ready, willing and able to perform this contract and looks forward to a successful project.

Please feel free to contact me if you have questions or need further information at (949) 242-4432.

Sincerely,
OHL USA Inc.



Ahmad Bagheri
Executive Vice President

CC: File