

Angela Soldner

From: Angela Soldner <asoldner@coffmanspecialties.com>
Sent: Tuesday, July 21, 2015 3:59 PM
To: 'McMillan, John C@DOT'
Cc: 'Smith, Mulissa A@DOT'
Subject: Caltrans Contract 11-288814 Bid Protest of Flatiron
Attachments: CT to Coffman.7May15.pdf

Dear Mr. McMillan and Ms. Smith,

Coffman Specialties has received no response from the Department in relation to the protests of Flatiron's bid on Caltrans Contract 11-288814, and the Office Engineer website continues to show that Flatiron will be awarded the project.

In furtherance of said protests, please be reminded of Caltrans' own statement made when denying Coffman's protest of Hazard Construction's bid on 11-405504:

"Caltrans cannot consider extra information that is submitted after the bid has been submitted."
(See http://www.dot.ca.gov/hq/esc/oe/bidsub/files/11-405504_b1_Coffman%20Specialties%20Inc.PDF, a copy of which is attached.)

If the State overlooks the errors and omissions in Flatiron's bid for Contract 11-288814, it will solely be because the State considered extra information that was submitted by Flatiron after the bid had been submitted - in direct conflict with the State's declared bidding procedures.

Please advise of the status of the protests and the award.

Truly yours,

Angela J. Soldner
General Counsel
Coffman Specialties, Inc.
Phone 858 536-3100
Fax 858 536-3131

From: Angela Soldner [mailto:asoldner@coffmanspecialties.com]
Sent: Friday, April 17, 2015 3:17 PM
To: 'McMillan, John C@DOT'
Cc: mkeane57@coffmanspecialties.com; jcoff@coffmanspecialties.com
Subject: Caltrans Contract 11-405504; Rte. 8, Waring Road - Bid Protest

Mr. McMillan,

Please see the attached protest and the attachments thereto. The letter was faxed to your office (without attachments) and will be placed in the mail today.

Thank you,

Angela J. Soldner
General Counsel
Coffman Specialties, Inc.
Phone 858 536-3100
Fax 858 536-3131

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN JR., Governor

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



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May 7, 2015

Facsimile: (858) 536-3131

Colleen Coffman, President
 Coffman Specialties, Inc.
 9685 Via Excelencia, Suite 200
 San Diego, CA 92126

11-405504
 11-SD-8-6.9/8.2
 B.O. 04/02/2015

Dear Ms. Coffman:

The Department of Transportation (Caltrans) received letters dated April 17, and April 22, 2015, from Coffman Specialties, Inc. (Coffman), protesting the bids submitted by Hazard Construction (Hazard) and Flatiron West, Inc. (Flatiron). The protests allege that Hazard failed to list a subcontractor to perform the rebar portion of work described as Cast-In-Drilled-Hole Concrete Piling (bid item 73). Specifically, Hazard listed Western Foundations (Western) to perform 100% of bid item 73, but Western's quote excluded "reinforcing cages" from its scope of work. Coffman is also alleging that Hazard failed to list a subcontractor to perform rebar work for work described as Structural Concrete, Approach Slab (Type R), Minor Concrete (Minor Structure), and Paving Notch Extension (bid items 75-77).

Additionally, Coffman alleges that Flatiron listed Gerdau Reinforcing Steel (Gerdau) to perform 25% of work described as Cast-In-Drilled-Hole Concrete Piling (bid item 73), but failed to list a subcontractor to perform the specialty piling portion this work. Coffman states that neither Gerdau nor Flatiron can perform the piling work. Furthermore, Coffman alleges that Flatiron listed Advanced Concrete Sawing and Sealing (Advanced Concrete) to perform 59% of work described as Isolation Joint Seal (Silicone) (bid item 71), but omitted the seal work portion from Advanced Concrete's scope and failed to list a subcontractor to seal the Isolation Joint. Coffman requests that Caltrans find both bids submitted by Hazard and Flatiron nonresponsive.

Caltrans reviewed the bid documents submitted by Hazard and finds the following;

1. As the protest relates to bid item 73, Cast-In-Drilled-Hole concrete Piling and the quote received from Western, Caltrans does not require the bidder to submit a quote for subcontractors, nor did Hazard submit one. Rather, reviews the bid for responsiveness based on the face of the bid, as submitted on bid day. Caltrans cannot consider extra information that is submitted after the bid has been submitted. The quote received by Coffman from Western is not relevant to Hazard's bid and cannot be considered by Caltrans. Caltrans finds no material error in Hazard's listing of Western as performing 100 % of bid item 73.

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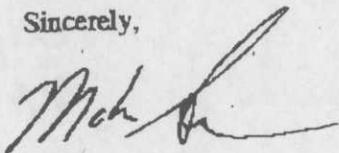
Ms. Coffman
May 7, 2015
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2. As the protest relates to the Hazard's failure to list a subcontractor to perform rebar work for bids items 75-77, Hazard identified a subcontractor to perform 64% of bid item 76 and Caltrans can only assume, based on the face of the bid that Hazard will self perform bid items 75 and 77, and the remaining portion of the work for bid item 76. Caltrans finds no material error in Hazard's Subcontractor List as it pertains to bid items 75-77.
3. As the protest relates to Flatiron's listing of Gerdau to perform 24% of work described as Cast-In-Drilled-Hole Concrete Piling (bid item 73), Caltrans assumes that Flatiron will self perform the remaining portion of this item. Caltrans finds no material error in Flatiron's listing of Gerdau for performing work related to bid item 73.
4. As the protest relates to Flatiron's failure to list a subcontractor to perform the Isolation Joint Seal work. Based on the bid documents, Caltrans assumes that Flatiron will self perform this work. Caltrans finds no material error in Flatiron's failure to list a subcontractor to perform Isolation Joint Seal work.

Caltrans finds 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 Manager, at (916) 227-6228.

Sincerely,



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



COFFMAN SPECIALTIES, INC.
GENERAL AND ENGINEERING CONTRACTORS

FAX TRANSMISSION

DATE: July 29, 2015

PROJECT: Contract No. 11-288814; 11/125/905 Separation

SUBJECT: Bid Protest

TRANSMIT THE FOLLOWING COPIES TO:

NAME: JOHN C. MCMILLAN, Deputy Division Chief

COMPANY: Caltrans Office Engineer

FAX NUMBER: (916) 227-6282

TOTAL NUMBER OF PAGES 5 INCLUDING TRANSMITTAL SHEET.

ORIGINAL Will Not FOLLOW VIA U.S. MAIL

MESSAGE OR SPECIAL INSTRUCTIONS:

Coffman Specialties e-mailed the attached message and attachment to the Office Engineer on July 21, 2015, and requested an update on the protest of Flatiron's bid. To date we have received no further response from Caltrans.

Please advise whether Caltrans intends to consider information Flatiron submitted after bid opening as part of Flatiron's bid, and to award the Contract to Flatiron.

Thank you

IF TOTAL NUMBER OF PAGES ARE NOT RECEIVED, PLEASE CALL OUR OFFICE AT (858) 536-3100

SIGNED: Angela J. Soldner, Esq.

CC: _____

9685 Via Excelencia, Suite 200 San Diego, California 92126 (858) 536-3100 Fax No. (858) 536-3131

