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 21, 2015

Facsimile: (760) 727-8701

Rudy C. Zavalani, President
Pave-Tech, Inc.
2231 La Miranda Drive
Vista, CA 92081

11-2M7804
11-Imp-8-R28.0/R40.9
B.O. 06/24/2015

Dear Mr. Zavalani:

The Department of Transportation (Caltrans) a received letter dated July 10, and 16, 2015, from Pave-Tech, Inc. (Pave-Tech), protesting the bid documents submitted by Granite Construction Company (Granite) on the above referenced contract. The protest alleges that Granite overstated the amount of work to be performed by Cindy Trump, Inc. dba Lindy's Cold Planing (Lindy's) and that Granite claimed Lindy's would be performing 83 percent of Cold Plane Asphalt Concrete Pavement (Bid Item 9), when in actuality Lindy's will be performing 28.21 percent of the bid item, as evidenced by the quote submitted by Granite, as part of its Disadvantaged Business Enterprise (DBE) Commitment submittal. Additionally, Pave-Tech contends that Lindy's will not be performing the hauling and sweeping portion of the work as indicated on the Subcontractor's List form submitted at time of bid. Pave-Tech requests that Caltrans find Granite nonresponsive and award the contract to Pave-Tech.

Caltrans has reviewed the bid documents submitted by Granite and confirms that Granite on its Subcontractors List form listed Lindy's as performing Cold Planing, hauling and sweeping. With regard to listing hauling and sweeping on the DBE Commitment form, Granite was unable to obtain confirmation from Lindy's of its DBE participation for these services, due in part to the DBE's inability obtain assurances towards securing a second tier DBE for the equipment to perform the services. As such, Granite could not receive credit towards its DBE participation for these items and is therefore not required to list Lindy's as performing these items on the DBE participation form.

Lastly, the percentage of each bid item is intended to represent the amount of work to be performed by the subcontractor, rather than the dollar value as it relates to the total bid for that item. Caltrans has found that frequently, the percentages of each bid item are not a one for one match with the dollar amounts listed on the DBE Commitment form since the total bid amount, and even individual bid items, may include the contractors profit and overhead. On this basis and in this instance, Caltrans does not agree that the bid submitted by Granite is nonresponsive.

Based on the above, the protest submitted by Pave-Tech will not have any bearing on the award of this contract and Caltrans will proceed to award this contract to Granite.

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

Sincerely,

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

** Transmit Conf.Report **

P.1 Jul 22 2015 07:22am
CALTRANS CONTR AWARDS Fax 916-227-6282

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
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STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY EDMUND G. BROWN Jr., Governor

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