

J. MCLOUGHLIN ENGINEERING CO.

10641 Fulton Court
 Rancho Cucamonga, Ca 91730
 Phone: 909/944-1037 Fax: 909/944-3112

May 5, 2014

Department of Transportation
 Division of Engineering Services
 Office Engineer, MS 43
 1727 30th Street
 P.O. Box 168041
 Sacramento, Ca. 95816-8041
 Fax (916) 227-6282

Attention: John C. McMillan

Subject: Contract 11-406704

Gentlemen,
 J. McLoughlin Engineering Co., Inc. protests the bid of Flatiron West, Inc. on Contract 11-406704, bid date April 10, 2014. We request the Department to follow the contract procedures on whether the findings below, mandate their bid being non-responsive.

The Subcontractor List form states in part, "... Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916) 227-6282 within 24 hours after the bid opening. Failure to provide complete information in columns 1 through 4 within the time specified will result in a nonresponsive bid." J. McLoughlin Engineering finds that Flatiron's bid is nonresponsive because the Subcontractors List form column 4 submitted at bid time is not consistent with their Subcontractors List form column 3 submitted 24 hours after bid opening.

On the Subcontractor List submitted at bid time, Flatiron West, Inc., listed Pacific Coast Markings, in column 1 and listed the work description in column 4 as, "Striping and Related (partial)". By using the word "related" gives the implication that at bid time Pacific Coast Markings is subcontracted for striping and related items.

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
 DES-DE-0102.2 (REV 5/2011)

Bidder Name: Flatiron West, Inc.

The bidder must identify each subcontractor performing work in an amount in excess of 1/2 of 1 percent of the total bid or \$10,000, whichever is greater (Pub Cont Code § 4180 et seq.). Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916) 227-6282 within 24 hours after the bid opening. Failure to provide complete information in columns 1 through 4 within the time specified will result in a nonresponsive bid.

Column 1: Subcontractor Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of BIP Items Subcontracted	Column 4: Description of Subcontracted Work
STANLEY, INC. Culver, CA	JAT		JAT
Clear City Safety Broomfield, CA	JAT		JAT
WASCOPAC CONCRETE Covina, CA	JAT		JAT
SUNSHINE CONCRETE Anaheim, CA	JAT		JAT
PACIFIC COAST MARKINGS PITTSBURGH, CA			Striping and Markings (Partial)

Flatiron Subcontractor Form at Bid Time

This can be seen on their Subcontractors List form 24-hours after bid opening on April 11, 2014 where Flatiron listed Pacific Coast Markings for performing bid items 1, 6, 8, 25, 26, 101-110. Here the word "related" refers related items.

		99%	
	6	99%	
	8	99%	
	25	99%	
	26	99%	
	27	99%	
	101	99%	
	102	99%	
	103	99%	
	104	99%	
	105	99%	
	106	99%	
	107	99%	
	108	99%	
	109	99%	
	110	99%	

Pacific Coast Markings
Petal, CA

Grind Existing Concrete Pavement and Related (Partial)

Flatiron Subcontractor Form 24-hours after Bid Opening

However, J. McLoughlin Engineering finds Flatiron to be in violation and their bid as non-responsive for the following reason:

On the Subcontractor List submitted at bid time, Flatiron West, Inc., listed Harber Companies, Inc., in column 1 and listed the work description in column 4 as, "Grind Existing Concrete Pavement and Related (partial)". By using the word "related" gives the implication that at bid time, Harber Companies is subcontracted for grind existing concrete pavement and other related items.

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
DES-OE-0102.2 (REV 3/2011)

Bidder Name: Flatiron West, Inc.

The bidder must identify each subcontractor performing work in an amount in excess of 1/2 of 1 percent of the total bid or \$10,000, whichever is greater (Pub Cost Code § 4100 et seq.). Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916) 227-6282 within 24 hours after the bid opening. Failure to provide complete information in columns 1 through 4 within the time specified will result in a nonresponsive bid.

Column 1: Business Name and Location	Column 2: Bid Item No.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
* Harber Companies, Inc. San Bernardino, CA			Grind Existing Concrete Pavement and Related (Partial)
Pressure Grout Company Agabeen, CA	JAT		Grind Existing Concrete Pavement and Related (Partial)

Flatiron Subcontractor Form at Bid Time

However, on the Subcontractor List submitted 24-hours after bid opening on April 11, 2014, Flatiron only listed Harber Companies, Inc. for performing bid item 65 only. They failed to list any related items as stated at bid time.

Harber Companies, Inc. San Bernardino, CA	65	99%	Grind Existing Concrete Pavement and Related (Partial)
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Flatiron Subcontractor Form 24 hours after Bid Opening

The change from "grind existing concrete pavement and related (partial)" to only listing item 65 constitutes an improper change to the Subcontractor List form and a reduction in the amount of work it had previously committed to subcontract in its Subcontractors List form at bid opening. A decrease in the amount of work initially reported gives Flatiron West Inc. a competitive advantage.

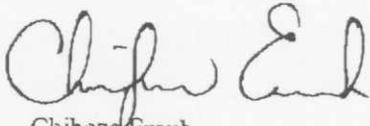
This improper change of the Subcontractor List after the bid opening and the decrease in the amount of work initially reported can also be seen with the subcontracting work given to The Pressure Grout Company. At bid

time, Flatiron listed The Pressure Grout Company with work description as, "Drill Hole and Slab Jacking and Related (partial)" then with their 24-hour Subcontractors List submitted, they only list them for items 60 and 61, again, failing to list the related items, giving Flatiron an unfair advantage to add or subtract subcontracted items after the bid day submittal.

Based on the above, Caltrans should proceed to award the contract to the lowest responsible bidder.

If you have any questions, please contact the undersigned at (909)944-1037 or Chibeze@jmeci.com.

Thank You,



Chibeze Emuh
Project Engineer
J. McLoughlin Engineering Co., Inc.

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
 DES-0E-0102 2 (REV 3/2011)

Bidder Name: Flatiron West, Inc.

The bidder must identify each subcontractor performing work in an amount in excess of 1/2 of 1 percent of the total bid or \$10,000, whichever is greater (Pub Cont Code § 4100 et seq.). Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916) 227-6282 within 24 hours after the bid opening. Failure to provide complete information in columns 1 through 4 within the time specified will result in a nonresponsive bid.

Column 1: Business Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
All American Asphalt Corona, CA	42	99%	Asphalt Paving and Related (Partial)
	43	99%	
	44	95%	
	45	99%	
	53	80%	
All American Asphalt Corona, CA	54	99%	Cold Plane AC and Remove AC Dike and Related (Partial)
	28	99%	
A.C. Dike Co. Lincoln, CA	31	97%	AC Dike and Related (Partial)
	48	99%	
	49	99%	
	50	99%	
	51	99%	
Crown Fence Santa Fe Springs, CA	52	99%	MBGR and Related (Partial)
	21	88%	
	22	99%	
	23	99%	
	24	99%	
	89	99%	
	90	99%	
	91	99%	
	92	99%	
	93	99%	
	94	99%	
	95	99%	
	96	99%	
	97	99%	
	98	99%	
Pacific Coast Markings Phelan, CA	1	19%	Striping and Related (Partial)
	8	99%	
	8	99%	
	25	99%	
	26	88%	
	27	99%	
	101	88%	
	102	99%	
	103	99%	
	104	99%	
	105	99%	
	106	99%	
	107	99%	
Select Electric, Inc. Spring Valley, CA	108	88%	Electrical and Related (Partial)
	109	99%	
	110	99%	
	111	89%	
Harbor Companies, Inc. San Bernardino, CA	112	99%	Grind Existing Concrete Pavement and Related (Partial)
	65	99%	
	113	99%	
The Pressure Grout Company Hayward, CA	117	0.8%	Drill Hole and Slab Jacking and Related (Partial)
	60	99%	
Advanced Concrete Saw and Sealing, Inc. Mesa, AZ	61	99%	PCC Saw & Seal and Related (Partial)
	57	53%	
	64	88%	

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Contract No. 11-406704

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
 DES-OE-0102.2 (REV 3/2011)

Bidder Name: Flatiron West, Inc.

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Column 1: Business Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
Advanced Concrete Saw and Sealing, Inc. Mesa, AZ			PCC Saw & Seal and Related (Partial)
Morales Contracting Services Baldwin Park, CA <i>JAT</i>			PCC Saw & Seal and Related (Partial) <i>JAT</i>
Perhall Company Anaheim, CA <i>JAT</i>			PCC Saw & Seal and Related (Partial) <i>JAT</i>
Service Construction, Inc. Orange, CA <i>JAT</i>			PCC Saw & Seal and Related (Partial) <i>JAT</i>
			PCC Saw & Seal and Related (Partial) <i>JAT</i>

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