



Daley Corporation

General Engineering Contractor  
Contractors License # A-749995

12570 Highway 67  
Lakeside, CA 92040  
Phone (619) 390-3900  
Fax (619) 390-3901

October 31, 2014

Department of Transportation  
Division of Engineering Services  
Office Engineer, MS 43  
1727 30<sup>th</sup> Street  
Sacramento, CA 95816

Attn: John C. McMillan

Re: Bid Protest of Daley Bid submitted for CALTRANS Contract 11-406904

Dear Mr. McMillan:

Daley Corporation has reviewed bid protest submitted by Hazard Construction of bid submitted by Nicholas Grant Corp DBA Daley Corporation for CALTRANS Contract 11-406904. Daley requests that Caltrans consider the following in regards to Hazard protest.

Hazard contends that Daley enlarged scope of Payco Specialties in order to make the stated project DBE goal by adding portion of traffic control. Daley disputes this contention. PAYCO Specialties provided a quote at bid time, copy attached exhibit 1, that included cost for Payco to provide traffic control for their striping scope of work only. Daley included this cost at bid time in our selection of Payco. We considered their traffic control portion as part of striping scope for the best execution of project. Scope of work was not adjusted or added in an effort to achieve DBE Goal.

Hazard contends that on Disadvantaged Business Enterprise (DBE) Commitment Form, that Daley added item 1 Lead Compliance Plan, again in an effort to achieve DBE Goal. Per attached PAYCO quote, they provided lead compliance plan pricing that was applicable to the stripe removal only. Again, we consider this a small item tagged to the stripe removal awarded to PAYCO as part of the striping scope for the best execution of project. Scope of work was not adjusted in an effort to achieve DBE Goal.

Daley believes issues raised are not grounds for deeming our bid nonresponsive, and notes that Hazard bid proposal, exhibit 2, and DBE Commitment form, exhibit 3, are not consistent. Hazard indicated description of work for Traffic Loops Crackfilling as "Electrical", items 61 - 62. However, on DBE Commitment form they are listed as items 8 - 10, 15-22, "Roadside Signs". Hazard did not indicate mobilization under Description



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of Work for Payco at bid time. However this scope was added on bid form and on DBE Commitment form for Payco.

In summary, the scope awarded to PAYCO Specialties at bid time was per their quoted scope and price. No adjustments were made to provide a competitive advantage or to achieve DBE Goal. Daley also submitted their GOOD FAITH EFFORT that documents that in the event the goal was not achieved, Daley made all required efforts to meet the goal. For these reasons stated above, Daley Corporation requests that bid protest issues submitted by Hazard be considered insufficient cause to deem Daley's bid as nonresponsive and requests Caltrans to proceed with contract award to Daley Corporation.

Sincerely,  
Daley Corporation

John H. Daley, Jr.  
President

Attachments  
Cc: Bid file

10-21 Exhibit 1



**Payco Specialties, Inc.**

Highway - Airport - Parking Lot - Signage - Striping & Marking Removals

SBE #18502 - UD/BE / DBE / WBE #102 - LABORERS LOCAL UNION #1184 - LICENSE #298637 B, C-32

**BID PROPOSAL  
FEDERAL**

Project Description: 11-406904 RT 8 ALPINE				Bid Date: 10/21/2014	
Contract Time Limit		w/d Liquidated Damagess:		per C.D. Addendums Noted:	
Item No.	Item Description	Estimated Quantity	Unit of Measure	Unit Price	Item Total
1	LEAD COMPLIANCE PLAN (PORTION)	1.00	LS	\$ 1,200.00	\$ 1,200.00
5	TRAFFIC CONTROL SYSTEM (PORTION)	1.00	LS	\$ 25,000.00	\$ 25,000.00
15	REMOVE PAINT STRIPE	690.00	LF	\$ 2.00	\$ 1,380.00
19	PREPARE PCC BRIDGE DECK SURFACE	33,209.00	SF	\$ 0.18	\$ 5,977.62
53	PAINT STRIPE (1-COAT)	1,570.00	LF	\$ 0.25	\$ 392.50
54	6" THERMO. STRIPE (WET VIZ.)	141,000.00	LF	\$ 0.35	\$ 49,350.00
55	8" THERMO. STRIPE (WET VIZ.)	4,610.00	LF	\$ 0.90	\$ 4,149.00
56	THERMO. X-WALK / PVMT. MARKING (WET VIZ.)	1,340.00	SF	\$ 2.90	\$ 3,886.00
57	6" THERMO. STRIPE (WET-VIZ. BKN. 17-7)	1,330.00	LF	\$ 0.60	\$ 798.00
58	6" THERMO. STRIPE (WET VIZ. BKN. 36-12)	89,100.00	LF	\$ 0.32	\$ 28,512.00
59	PVMT. MARKER (NON-REFL)	7,440.00	EA	\$ 1.20	\$ 8,928.00
60	PVMT. MARKER (RETROREFL)	3,760.00	EA	\$ 3.00	\$ 11,280.00
63	MOBILIZATION (PORTION)	1.00	LS	\$ 12,000.00	\$ 12,000.00
					\$ -
NOTE 1	ITEM #19 BY "SHOT BLAST" UNDER YOUR T/C.				\$ -
	TEMP. STRIPE AVAIL. @ \$1350.00 PER 1/2 SHIFT.				\$ -
					\$ -

- STIPULATIONS:** RECIPIENT IS RESPONSIBLE FOR ALL STIPULATIONS NOTED HEREON AND BELOW
- \* Extra Work, exceeding 25% of Engineer's estimate shall be paid at contract unit price or an agreed upon price by the Prime Contractor.
  - \* A signed Purchase Order or Subcontract is required prior to any work associated with this Proposal.
  - \* This Proposal is based on an 8 hour shift per workday, any overtime (premium time) will be paid by the Prime Contractor.
  - \* This Proposal is valid for 30 days after the bid date.
  - \* If accepted, this Proposal will be incorporated as an Exhibit to the Contract or Purchase Order.
  - \* A minimum of 15 working days schedule notice is required AFTER ALL PAPERWORK IS COMPLETED.
  - \* Bond cost to be paid by Prime Contractor.
  - \* ANY, special / additional insurance will be charged a flat rate of \$400.00. Some specialized wording may not available. Please call.
  - \* A Mobilization / Move-In is any work accomplished through consecutive shifts. Unavailable work and all extra-work will be charged additional mobilizations upon completion.

**EXCLUSIONS:** PLANS-PERMITS-L.D.'S-TEMP. DELIN.-SIGNAGE-SWEEPING-PCMS-CONTROL PTS.-STATIONING.

**INCLUSIONS:** TRAFFIC CONTROL FOR PAYCO WORK. (UNLESS YOU PROVIDE)- CLEAN UP OF PAYCO REMOVAL DEBRIS.

# of Working Days to Complete our Work: 10 # of Move-Ins Allowed: 4 Add'l Move-Ins: \$ 1,300.00

BID AMOUNT: \$ 152,853.12 ESTIMATOR: BILL TAYLOR

120 North Second Avenue, Chula Vista, CA 91910-1127  
Phone (619) 422-9204 / Fax (619) 427-1620

From: DALEY CORP. - ESTIMATING

619 390 3901

10/31/2014 10:31

#087 P.005/006

EXHIBIT 2

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 11-406904 Project ID: 1100020391

Bidder Name: Hazard Construction Company

Bidder ID: VC0000008369

List this sub? Yes

8) Business Name Traffic Loops Crackfilling, Inc.

Location City Anaheim State CA

California Contractor License Number (a) 652956

Description of Portion of Work

Electrical

Bid Item Numbers

61-62

Percentage of Bid Item Subcontracted

100

Bid Item Numbers

Percentage of Bid Item Subcontracted

IS NOT CONSISTENT w/ DBE COMMITMENT FORM

EXHIBIT 3

# Second Bidder

10-24 14A10:09 RCVD

STATE OF CALIFORNIA-DEPARTMENT OF TRANSPORTATION  
**CALTRANS BIDDER - DBE - COMMITMENT**  
DES-OE-0102.10B (NEW 06/2012)

This information may be submitted with your bid proposal. If it is not, and you are the apparent low bidder or the second or third low bidder, it must be submitted and received as specified in Section 2 of the Special Provisions. Failure to submit the required DBE information will be grounds for finding the proposal nonresponsive.

CONTRACT NO: 11-406904

BID AMOUNT: \$9,123,900.95

BID OPENING DATE: 10/21/2014

BIDDER'S NAME: HAZARD CONSTRUCTION COMPANY

DBE GOAL FROM CONTRACT, %: 7%

DBE PRIME CONTRACTOR CERTIFICATION <sup>1</sup>: N/A

BID ITEM NO.	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED <sup>2</sup>	FOR CALTRANS USE ONLY	NAME OF UDBEs (Must be certified on the date bids are opened - include Caltrans certification #, DBE address and phone number) (Indicate 2nd and lower tier)	DOLLAR AMOUNT DBE <sup>3</sup>
11	Water Pollution Control Plan		JL Stormwater Consultants, Inc. 140 W. Park Ave, Ste 115 El Cajon, CA 92020 619-938-2420 / DBE #37409	\$500.00
31-36	Place AC Dike, Place Misc AC		A.C. Dike Co. 2788 Venture Dr. Lincoln, CA 95648 916-652-0159 / DBE #219	\$94,910.00
8-10, 15-22	Roadside Signs		Traffic Loops Crackfilling, Inc. 946 S. Emerald Street Anahaim, CA 92804 714-520-4026 / DBE #38033	\$5,000.00
1(P), 5(P), 15, 53-60, 63(P)	Lead Plan, Remove Striping, Striping & Markers, Temp Striping		Payco Specialties, Inc. 120 North Second Ave Chula Vista, CA 91910 619-422-9204 / DBE #102	\$136,725.50
26(P)	Supply & Transport PG64-10 Paving Grade Oil to HMA Supplier - 2nd Tier to Vulcan Materials		LMS Transport 3810 Wacker Dr. Mira Loma, CA 91752 951-616-3828 / DBE #38327	\$356,242.50
26(P), 28(P)	QC Testing of HMA / RHMA		Sequoia Consultants 361 W. Grove Ave Orange, CA 92865 714-974-6193 / DBE #35308	\$115,340.00

is res  
in Bid Form

IMPORTANT: Identify all DBE firms being claimed for credit, regardless of tier. Names of the First Tier DBE Subcontractors and their respective item(s) of work listed above must be consistent, where applicable, with the names and items of work in the "List of Subcontractors" submitted with your bid. Copies of the DBE quotes are required.

- DBE prime contractors must enter their certification number and indicate all work to be performed by DBEs including work performed by its own forces.
- If 100% of item is not to be performed or furnished by DBE, describe exact portion of item to be performed or furnished.
- See Section titled "Disadvantaged Business Enterprise," under Section 2 "Bidding" of the Special Provisions to determine the credit allowed for DBE firms.

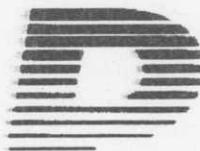
Submit to:

MSC 43  
OFFICE ENGINEER  
DEPARTMENT OF TRANSPORTATION  
1727 30TH STREET  
SACRAMENTO, CA 95816-7005

Total Claimed Participation \$ 708,718.00  
7.77%

Signature of Bidder Jason Mordhorst, President  
Date 10/22/14 (858) 587-3600 (Area Code) Tel. No.  
Jason A. Mordhorst  
Person to Contact (Please Type or Print)

ADA Notice: For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-69, Sacramento, CA 95814



**DALEY CORPORATION**

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12570 Hwy 67, #10  
619-390-3900 FAX 619-390-3901

**FAX**

**To:** Caltrans

**From:** Shannon Pullaro

**Attn:** Office of Engineer

**Date:** 10/22/14

**Fax:** 916-227-6282

**Pages:** 6 Including cover

**Phone:**

**RE:** 11-406904 Rebuttal to Bid Protest

**Urgent**

**For Review**

**Please Comment**

**Please Reply**

**-Comment:**

**Nicholas Grant Corporation DBA Daley Corporation for project 11-406904:  
Rebuttal to Bid Protest submitted by Hazard Construction/**