



November 23, 2015

John C. McMillan, Deputy Division Chief
Department of Transportation
Division of Engineering Services
Office Engineer, MS43
1727 30th Street
Sacramento, CA 95816
FAX 916-227-6282

RE: Contract No. 11-413704, Bids Opened November 4, 2015

Dear Mr. McMillan,

Please accept this letter as Brosamer & Wall's protest of any award to Coffman Specialties, Inc. (Coffman) for Contract Number 11-413704.

The Department's Subcontractor List form requires that for each subcontractor listed the bidder will submit with its bid (a) Subcontractor's name and location of its place of business (b) the California license number (c) the Public Works Contractor Registration Number and (d) Portion of work Subcontractor will perform by:

1. Bid items for the subcontracted work
2. Percentage of the subcontracted work for each Bid Item listed
3. Description of the subcontracted work if the percentage of the Bid Item listed is less than 100 percent.

Coffman listed Payco Specialties (Payco) for 13 separate items of work but omitted Bid Item 75, Mobilization, even though Payco's quote at Bid time clearly listed Bid Item 75. Coffman's treatment of Highlight Electric's (Highlight) quote does the same thing. Highlight is listed for 3 separate items of work even though their quote submitted at bid time shows 4 items with Bid Item 73 (incorrect Item number) for Mobilization.

Coffman's Commitment Form incorporate the Mobilization amounts in their total dollars but they do not list the Mobilization item under the Bid Item heading.

It is our understanding that Coffman believes that Mobilization does not require a Contractor's license and therefore, it does not have to be listed. We disagree.

If the Subcontractor's share of the Mobilization is not listed it is not possible to properly evaluate the Bidder's proposal.



A bid containing a major deviation must be rejected as non-responsive. A deviation is material if the bidder gains an unfair advantage over the other bidders. The failure to bracket the Subcontractor's share of the Mobilization item at bid time clearly gave Coffman this advantage.

Brosamer & Wall, Inc. requests award as the lowest responsible bidder.

Very Truly Yours,

BROSAMER & WALL, INC.

A handwritten signature in black ink, appearing to read 'Robert G. Brosamer', written over a horizontal line.

Robert G. Brosamer
President

Attachments

02-27-15

2-1.10 SUBCONTRACTOR LIST

On the Subcontractor List form, list each subcontractor to perform 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.).

For each subcontractor listed, the Subcontractor List form must show:

1. Business name and the location of its place of business.
2. California contractor license number for a non-federal-aid contract.
3. Public works contractor registration number
- * 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

02-21-14

2-1.11 RESERVED

01-23-15

2-1.12 DISADVANTAGED BUSINESS ENTERPRISES**2-1.12A General**

Section 2-1.12 applies to a federal-aid contract.

Under 49 CFR 26.13(b):

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:

- (1) Withholding monthly progress payments;
- (2) Assessing sanctions;
- (3) Liquidated damages; and/or
- (4) Disqualifying the contractor from future bidding as non-responsible.

Include this assurance in each subcontract you sign with a subcontractor.

2-1.12B Disadvantaged Business Enterprise Goal**2-1.12B(1) General**

Section 2-1.12B applies if a DBE goal is shown on the *Notice to Bidders*.

The Department shows a goal for DBEs to comply with the DBE program objectives provided in 49 CFR 26.1.

Make work available to DBEs and select work parts consistent with available DBEs, including subcontractors, suppliers, service providers, and truckers.

Meet the DBE goal shown on the *Notice to Bidders* or demonstrate that you made adequate good faith efforts to meet this goal.

You are responsible to verify at bid opening the DBE firm is certified as a DBE by the California Unified Certification Program and possess the work codes applicable to the type of work the firm will perform on the Contract.

Determine that selected DBEs perform a commercially useful function for the type of work the DBE will perform on the Contract as provided in 49 CFR 26.55(c)(1)-(4). Under 49 CFR 26.55(c)(1)-(4), the DBE must be responsible for the execution of a distinct element of work and must carry out its responsibility by actually performing, managing, and supervising the work.

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
Contract No.: 11-413704 Project ID: 1114000112
Bidder Name: Coffman Specialties, Inc.
DES-OE-0102.2C (REV 03/2015)

Bidder ID: VC0000007963

Bidding Firm: Coffman Specialties, Inc.

List this sub? Yes

X [4) Business Name PAYCO SPECIALTIES, INC
Location City CHULA VISTA State CA
California Contractor License Number 298637
Public Works Contractor Registration Number 1000003515
Portion of Work Subcontracted:

Item #	Description
1	50 LEAD COMPLIANCE PLAN
23	100 REMOVE PAINTED TRAFFIC STRIPE
24	100 REMOVE PAINTED PAVEMENT MARKING
60	100 PAINT TRAFFIC STRIPE (1-COAT)
61	100 PAINT TRAFFIC STRIPE (2-COAT)

X [List this sub? Yes

5) Business Name PAYCO SPECIALTIES, INC
Location City CHULA VISTA State CA
California Contractor License Number 298637
Public Works Contractor Registration Number 1000003515
Portion of Work Subcontracted:

Item #	Description
62	100 PAINT PAVEMENT MARKING (2-COAT)
63	100 6" THERMOPLASTIC TRAFFIC STRIPE
64	100 8" THERMOPLASTIC TRAFFIC STRIPE
65	100 THERMOPLASTIC CROSSWALK & PAVEMENT MARKING
66	100 6" THERMOPLASTIC TRAFFIC STRIPE

List this sub? Yes

6) Business Name PAYCO SPECIALTIES, INC
Location City CHULA VISTA State CA
California Contractor License Number 298637
Public Works Contractor Registration Number 1000003515
Portion of Work Subcontracted:

Item #	Description
67	100 6" THERMOPLASTIC TRAFFIC STRIPE
68	100 PAVEMENT MARKER (NON-REFLECT)
69	100 PAVEMENT MARKER (RETRO-REFLECT)

03/18/2005 21:55 6194221404

PAYCD SPECIALTIES

PAGE 01/01

11-4



Payco Specialties, Inc. A WOMAN OWNED BUSINESS
Highway - Airport - Parking Lot - Signage - Striping - Marking & Removals

SBE #10502 - UDBE / DBE / WBE #102 - LABORERS LOCAL UNION #1184 - LICENSE #288637 B, C-32
CA DIR REGISTRATION #1000003518

BID PROPOSAL FEDERAL

Project Description:		11-413704 RT 6 (IMPERIAL CO.)		(6% DBE)		Bid Date: 11/4/2015	
Contract Time Limit: 583		W.P. (Limited Damages)		N/A		Assessment Method: YES 1	
Item No.	Item Description	Estimated Quantity	UNIT OF MEASURE	Unit Price	Sum Total		
1	LEAD COMP PLAN (PORTION FOR ITEMS # 23, 24)	1.00	LS	\$ 1,200.00	\$	1,200.00	
23	REMOVE PAINTED STRIPE	280,000.00	LF	\$ 0.30	\$	80,000.00	
24	REMOVE PAINTED MARKINGS	610.00	SF	\$ 1.00	\$	610.00	
60	PAINT STRIPE (1-COAT)	200,000.00	LF	\$ 0.11	\$	22,000.00	
61	PAINT STRIPE (2-COAT)	300,000.00	LF	\$ 0.14	\$	40,000.00	
62	PAINT PVMT. MARKING (2-COAT)	700.00	SF	\$ 2.60	\$	1,070.00	
63	6" THERMO. STRIPE (WET VIZ.)	215,000.00	LF	\$ 0.38	\$	80,940.00	
64	6" THERMO. STRIPE (WET VIZ.)	4,520.00	LF	\$ 0.85	\$	3,842.00	
65	THERMO. X-WALK & PVMT. MARKING	920.00	SF	\$ 3.00	\$	2,760.00	
66	6" THERMO. STRIPE (WET VIZ. BKN. 17-7)	1,100.00	LF	\$ 1.00	\$	1,100.00	
67	6" THERMO. STRIPE (WET VIZ. BKN. 30-12)	100,000.00	LF	\$ 0.30	\$	32,400.00	
68	PVMT. MARKER (NON-REFL.)	5,900.00	EA	\$ 1.00	\$	5,900.00	
69	PVMT. MARKER (RETROREFL.)	2,900.00	EA	\$ 2.90	\$	28,504.00	
* 75	MOBILIZATION (PORTION)	1.00	LS	\$ 30,000.00	\$	30,000.00	
					\$	-	
					\$	-	
					\$	-	
					\$	-	
					\$	-	
					\$	-	

STIPULATIONS: RECIPROCAL BIDDING APPLICABLE 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 of Subcontractor 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 14 working days advance notice is required AFTER ALL PAPERWORK IS COMPLETED.
- * Bond cost to be paid by Prime Contractor.
- * ANY additional and/or special insurance/endorsements will be charged a flat rate of \$400.00. Some specialized working may not be available.
- * Industry standard insurance available up to \$8,000,000.00 LIMIT. Railroad Insurance EXCLUDED
- * A Mobilization / Move-In is any work accomplished through consecutive shifts. Unavailable work and all extra-work will be charged additional mobilization upon completion.

EXCLUSIONS: TRAFFIC CONTROL - SWEEPING - L.O.'S - STATIONING - CONTROL PTS. - ENGINEERING - HAZ MAT. HANDLING ..

INCLUSIONS:

of Working Days to Complete our Work: 26 # of Move-ins/outs: 8 Add'l Move-ins: 8 2,800.00

* **BID AMOUNT:** \$ 333,422.00 **ESTIMATOR:** BILL TAYLOR

120 North Second Avenue, Chula Vista, CA 91810-1127
Phone (619) 422-9204 / Fax (619) 427-1620

Low Bidder

11-10-15A11:24 RCVD

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
DBE - COMMITMENT
 DEB-06-0102.10D (REV 12/2014)

CONTRACT NO:

11-413704

BID AMOUNT:

\$47,875,000.00

BID OPENING DATE:

NOVEMBER 4, 2015

BIDDER'S NAME:

COFFMAN SPECIALTIES, INC.

DBE GOAL FROM CONTRACT %:

6%

DBE PRIME CONTRACTOR CERTIFICATION¹:

TOTAL NUMBER OF ALL SUBCONTRACTS (DBE & NON-DBE)

10

TOTAL VALUE OF ALL SUBCONTRACTS (DBE & NON-DBE)

\$13,615,797

BID ITEM NO.	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED ²	WORK CATEGORY CODES ³	NAME OF DBE (Must be certified on the date bids are opened. Include Contractor's certification no., DBE address, and phone number. Show that we'd favor for subcontractors)	AMOUNT (\$)
1, 23, 24, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39	REMOVAL PAINT/THERMO STRIPE PAINT/THERMO MARKING, PVMY MARKERS	C8801/C8405/C8409 C8801/C8908	PAYCO SPECIALTIES (INC / DBE 102 120 NORTH 2ND AVENUE CHULA VISTA, CA 92010 / 619-443-8904	\$339,422.00
31	MILL & PULVERIZE ASPHALT & BASES	C1831/C1801/C3990 C8808	CINCY TRUMP INC DBE LINDY'S COLD PLANING PO BOX 385 / DBE 40089 LA HABRA, CA 90631 / 714-967-7295	\$381,318.13
<i>Various</i>	PCC/AC <i>INSPECTION & TESTING</i>	C8720 / C8723	BEQUA CONSULTANTS INC / DBE 38306 381 W. GRIFFIN AVENUE ORANGE, CA 92665 / 714-974-8318	\$441,770.00
70, 71, 72	ELECTRICAL	C8802/C8804/C8805	HIGH LIGHT ELECTRIC INC PO BOX 7888 RIVERSIDE, CA 92517	\$327,777.00
38, 40	ASPHALT DIKE	C8940	A.C. DIKE CO / DBE 219 3788 VENTURE DR INDOLENA, CA 95648 / 916-852-6169	\$9,475.00

* [

Show all DBE firms being claimed for credit, regardless of tier. Attach written confirmation from each DBE shown stating that it will be participating in the contract to perform the specific work shown for the specific amount agreed to.

The names of the tier for DBE subcontractors and items of work must be consistent with the Subcontractor List (Pub Cost Code § 4100 et seq.).

¹Each DBE prime contractor must enter its certification number and show all work to be performed by DBEs, including work performed by its own forces.

²If 100% of an item is not to be performed or furnished by the DBE, describe the exact portion of the item to be performed or furnished.

³Use Work Category Codes from the California Unified Certification Program database.

Total Claimed Participation

\$
CONTINUED
ON PAGE 3

The bidder acknowledges that it is committed to use the DBEs shown on this form to meet the contract goal (49 CFR 26.53).

Signature of Bidder



Date

(Area Code) Tel. No.

Joe Eckardt 858 536-3100

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) 645-1233, TTY 711, or write to Records and Forms Management, 1120 N Street, MS-99, Sacramento, CA 95814.

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
 Contract No.: 11-413704 Project ID: 1114000112
 Bidder Name: Coffman Specialties, Inc.
 DES-OE-0102.2C (REV 03/2015)

Bidder ID: VC0000007963

Bidding Firm: Coffman Specialties, Inc.

List this sub? Yes

10) Business Name DALEY CORPORATION
 Location City LAKESIDE State CA
 California Contractor License Number 749995
 Public Works Contractor Registration Number 1000005589
 Portion of Work Subcontracted:

Item #	Description
42	100 TACK COAT

List this sub? Yes

11) Business Name SERVICE CONSTRUCTION
 Location City ANAHEIM State CA
 California Contractor License Number 556017
 Public Works Contractor Registration Number 1000028659
 Portion of Work Subcontracted:

Item #	Description
45	100 JOINT SEAL PREFORMED COMPRESS
43	2 CONTINUOUSLY REINFORCED CONC PAVEMENT (GREEN CUT)
46	100 JOINT SEAL MR 2"
47	100 JOINT SEAL TYPE A

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
 Contract No.: 11-413704 Project ID: 1114000112
 Bidder Name: Coffman Specialties, Inc.
 DES-OE-0102.2C (REV 03/2015)

Bidder ID: VC0000007963

Bidding Firm: Coffman Specialties, Inc.

List this sub? Yes

* 13) Business Name HIGHLIGHT ELECTRIC
 Location City RIVERSIDE State CA

California Contractor License Number 806335
Public Works Contractor Registration Number 1000002760
Portion of Work Subcontracted:

Item #	Description
70 100	MAINTAIN EXISTING TRAFFIC MGT
71 100	LIGHTING
72 100	TRAFFIC MONITORING STATION

*[

List this sub? Yes

14) Business Name CMC REBAR
Location City ETIWANDA State CA
California Contractor License Number 778010
Public Works Contractor Registration Number 1000000298
Portion of Work Subcontracted:

Item #	Description
43 28	CONTINUOUSLY REINFORCED CONCRETE PAVEMENT (REBAR)

REVISION #2



Mailing Address:
P.O. Box 7339
Riverside, CA 92513

Main Office Information:
Phone: (951) 352-9848
Main Fax: (951) 352-2498

LA Metro SBE Cert #5730
License #808335 A, C-10
DIR Registration #1000002780
EMAIL: ESTIMATING@HLEINCUSA.COM

Name of Project: Rte 98/8 Separation

Contract/Project No.: 11-413704

Addendum(s) Noted: 1,2

Bid Date: 11.4.15 Bid Time: 2PM

Quote Revision No.: 0

Item #	Bid Item Description	Unit	Qty	Unit Price	Extension Price
70	MAINTAIN EXISTING TRAFFIC MANAGEMENT SYSTEM ELEMENTS	LS	1	\$1,500.00	\$1,500.00
71	LIGHTING	LS	1	\$200,000.00	\$200,000.00
72	TRAFFIC MONITORING STATION	LS	1	\$101,277.00	\$101,277.00
73	MOBILIZATION (PORTION)	LS	1	\$25,000.00	\$25,000.00
GRAND TOTAL					\$327,777.00

*** CT DBE CERTIFICATION #28842 ***

Estimator: ERWIN MENDOZA
Phone Extension: 121

Low Bidder

11-10-15A11:24 RCVD

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
DBE - COMMITMENT
 DBE-05-0102.100 (REV 12/2014)

CONTRACT NO:
11-413704
 BID AMOUNT:
347,875,000.00
 BID OPENING DATE:
NOVEMBER 4, 2015
 BIDDER NAME:
COFFMAN SPECIALTIES, INC.
 DBE GOAL FROM CONTRACT %:
6%

DBE FIRM CONTRACTOR CERTIFICATION*: _____
 TOTAL NUMBER OF ALL SUBCONTRACTS (DBE & NON-DBE): **10**
 TOTAL VALUE OF ALL SUBCONTRACTS (DBE & NON-DBE): **\$17,615,777**

BID ITEM NO.	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED ¹	WORK CATEGORY CODES ²	NAME OF DBE (Must be certified on the date bid is opened, include Caltrans' certification no., DBE address, and phone number. Show bid and level for subcontractors)	AMOUNT (\$)
1, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39	REMOVAL, PAINT/THERMO STRIPE PAINT/THERMO MARKING, PAINT MARKERS	C8201/C8405/C8408 D8001/C8900	PAYCO SPECIALTIES INC / DBE 102 126 NORTH BIRD AVENUE DBE A VITAL CO-DBE / 518-472-8074	\$338,422.00
31	MILL & PULVERIZE ASPHALT & BASES	C1851/C1801/C2800 C8008	OREY TRUMP INC DBE LINDY'S COLL PLANNING PO BOX 385 / DBE 40000 LA HARBOR CA 90801 / 818-777-7700	\$381,318.13
<i>Various</i>	PCC/AC <i>INSPECTION & TESTING</i>	C8720 / C8720	SECURA CONSULTANTS INC / DBE 35308 301 W. GROVE AVENUE ORANGE CA 92665 / 714-974-8710	\$441,770.00
* 70, 71, 72	ELECTRICAL	C8002/C8800/C8800	HIGHMOUNT ELECTRIC INC PO BOX 7388 RIVERSIDE CA 92503	\$327,777.00
30, 40	ASPHALT OPE	C3044	A.C. DIKE CO / DBE 210 2708 VENTURE DR LINCOLN, CA 95848 / 916-630-0180	\$8,475.00

Show all DBE firms being claimed for credit, regardless of tier. Attach written confirmation from each DBE shown stating that it will be participating in the contract to perform the specific work shown for the specific amount agreed to.

The names of the bid for DBE subcontractors and items of work must be consistent with the Subcontractor List (Pub Cost Code § 4100 et seq.).

Each DBE firm contractor must enter its certification number and show all work to be performed by DBEs, including work performed by its own forces.

If 100% of an item is not to be performed or furnished by the DBE, describe the exact portion of the item to be performed or furnished.

Use Work Category Codes from the California Unified Certification Program database.

Total Contract Participation: _____
 CONTINUED ON PAGE 3

The bidder acknowledges that it is committed to use the DBE shown on this form to meet the contract goal (49 CFR 26.53).

Signature: 
 Date: _____ (Area Code) Tel. No. **858 536 3100**
 Joe Eckardt
 Person to Contact (Please Type or Print)

BROSAMER & WALL, Inc.
1777 Oakland Blvd, Ste #110
Walnut Creek, CA 94596
(925) 932-7900
(925) 932-0500 Fax



FACSIMILE TRANSMISSION

DATE: 11/23/15

Number of Pages (including this page) 11

RECIPIENT INFORMATION:

Name: John McMillan Deputy Division Chief

Company: CADTRANS

Fax# 916-227-6282 Tele# _____

SENDER INFORMATION:

From: Bob Brosamer

Subject: 11-413704 Bid Protest

Fax# (925) 932-0500 Tele# (925) 932-7900

COMMENTS:

