



GENERAL ENGINEERING CONTRACTORS
4225 GARNER ROAD - P.O. BOX 1146
RIVERSIDE, CALIFORNIA 92502-1146

September 30, 2013

VIA FAX 916.227.6282

California Department of Transportation
Division of Engineering Services
Office Engineer, MS 43
1727 30th Street
Sacramento, Ca. 95816-8041

Attn: Mr. John C. McMillan, Deputy Division Chief

Subject: Caltrans Project 12-OC5604
Reference: OHL USA, Inc. Award Protest

Dear Mr. McMillan:

Riverside Construction Company, Inc. has been made aware of an Award Protest dated August 28, 2013, made by OHL USA, Inc. claiming a DVBE Incentive for the above referenced project. OHL USA, Inc. is claiming to have reached the minimum 1% DVBE participation that is pursuant to Section 2-1.15C(3) of the 2010 Caltrans Standard Specifications. At this time, Riverside Construction Company, Inc. is protesting the claim of DVBE participation made by OHL USA, Inc. for the following reasons;

- **Descriptions of Materials to be Supplied by DVBE are ambiguous**
 - OHL USA, Inc. has listed G&C Equipment for Bid Items 9, 113, 130, 131, and 134. Pursuant to Note 2, "If 100% of an item is not performed or supplied by the DVBE's, describe the **exact part, including the planned location of work to be performed**, of item to be performed or supplied by DVBE." Their listing of "Misc. Material Supply" is so vague and ambiguous that it makes it impossible to quantify the amount actually purchased for this specific project. A contractor can manipulate the dollar amount of supplies equal to the required amount necessary to obtain the minimum commitment in order to receive the DVBE credit.
- **Subcontractor Listing**
 - Vetrents Equipment & Supplies and G&C Equipment were listed as subcontractors, when in fact they are material suppliers. Per the note on Form DES-OE-0102.5 the "names of first tier DVBE subcontractors and their items of work listed must be consistent with the names and items of work in the Subcontractor List submitted with the bid."

Page 1 of 3

Riverside Construction Co. is entitled to reciprocal preference amount in the amount equal to the DVBE incentive amount as detailed in the following:

- **Section 2-1.27 California Companies**
 - Riverside Construction Company, Inc. believes that we are entitled to a California Company preference, "Under Pub Cont. Code 6107, the Department gives preference to a California company, as defined, for bid comparison purposes over a nonresident contractor from any state that gives or requires a preference to be given to contractors from that state on its public entity construction contracts."

In addition to the deficiencies in OHL USA, Inc's DVBE Submittal, Riverside Construction Company, Inc. believes that the bid submitted by OHL USA, Inc. is non-responsive due to the following:

The Subcontractor List, pursuant to Section 2-1.33C states in part, "The Subcontractor List must show the name, address, and work portions to be performed by each subcontractor listed. Show work portions by bid item number, description, and percentage of each bid item subcontracted."

- The subcontractor list provided by OHL USA, Inc. is lacking the addresses for all of the subcontractors, deeming the bid non-responsive.
- The Department of Transportation has set a precedence in providing the description of work to be performed by a listed subcontractor. The descriptions that OHL USA, Inc. has provided are vague and do not relate to the work identified by the bid items:
 - Ace Fence – At the time of the bid, Ace Fence was listed for "Fence." Upon receipt of the subcontractor list 24 hours later, Ace Fence is listed for Bid Items 26, 29, 191, 192, 193, 194, 195, 196, 197, and 198. These items are Metal Beam Guard Railing, which is not Fence.
 - Marina Landscape – At the time of the bid, Marina was listed for Landscape. Upon receipt of the subcontractor list 24 hours later, they are now listed for all of the Irrigation, in addition to the Landscaping of the project.
 - Coral Construction – At the time of the bid, Coral Construction was listed for "Sign Structures." Upon receipt of the subcontractor list 24 hours later, they are now listed for Bid Items 124, 125, and 126 which are CIDH Concrete Piling.
 - Drill Tech – At the time of the bid, Drill Tech was listed for "Soil Nails & Anchors." Upon receipt of the subcontractor list 24 hours later, Drill Tech is listed for Bid Item 147, which is Shotcrete.
- The Department of Transportation has deemed bids with these deficiencies to be non-responsive on past projects.
- As referenced above, OHL USA, Inc. has listed two material suppliers (Vetrents Equipment & Supplies / G&C Equipment) as subcontractors.

Based on the information that has been provided by OHL USA, Inc., Riverside Construction Company, Inc. believes that OHL has not reached the minimum 1% required to obtain a DVBE incentive, was nonresponsive in their "revised" subcontractor listing and that Riverside Construction as a "Preferred California Company" should be deemed the lowest responsible bidder.

Should you have any questions, I can be reached at (951) 682-8308.

Sincerely,

Riverside Construction Company, Inc.


Donald "Matt" Pim
President