

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 30th STREET
P. O. BOX 168041
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6280
FAX (916) 227-6282
TTY 711



*Flex your power!
Be energy efficient!*

August 8, 2013

Facsimile: (714) 538-5157

Kristi Stelle, VP of Operations
Highland Construction Inc.
133 N Pixley Street
Orange, CA 92868

12-0L7504
12-Ora-91-R0.3/R0.3
B.O. 06/20/2013

Dear Ms. Stelle:

The Department of Transportation (Caltrans) received a letter from Highland Construction Inc. on July 23, 2013, protesting the bid submitted by Peterson-Chase General Engineering Construction Inc. (Peterson-Chase) on the above contract. The protest alleged that Peterson-Chase failed to list a subcontractor for Bid Item 2, Construction Area Signs, and Bid Item 3, Traffic Control Systems, on its Subcontractor List form, and claimed Disadvantaged Business Enterprise (DBE) participation in the amount of \$29,742.08 by listing E-Nor Innovations (E-Nor) to perform work described as "Various" Traffic Control and Construction Areas Signs. Highland requested Caltrans to find the bid submitted by Peterson-Chase nonresponsive.

Caltrans received the attached response from Peterson-Chase, stating that Peterson-Chase is renting the construction area signs and equipment from E-Nor and Caltrans does not require subcontractors that are providing rental equipment to be listed on the Subcontractor List.

After further review of the protest and bid documents, Caltrans finds the protest submitted by Highland lacks merit and will proceed to award the contract to Peterson-Chase.

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

Sincerely,

A handwritten signature in black ink, appearing to read "John C. McMILLAN", written over a horizontal line.

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

Attachment



PETERSON-CHASE

GENERAL ENGINEERING CONSTRUCTION, INC
1792 KAISER AVE., IRVINE, CA 92614
PH# (949) 252-0441 FAX#: (949) 252-0266

TO: Department of Transportation
Division of Engineering Services, Office Engineer
MS 43, 1727 30th St / PO Box 168041
Sacramento CA 95816-8041

FROM: Dick W. Vogels

DATE: July 26, 2013

EMAIL:

SUBJECT: Response to Bid Protest
Contract 12-0L7504
Bid Date: 6/20/13

ATTN: JOHN MCMILLAN, DEPUTY DIVISION CHIEF

JOB#: **CONTRACT#:** 12-0L7504

PH#: (916) 227-6228

FAX#: (916) 227-6282

PH#: (949) 252-0441

FAX#: (949) 252-0266

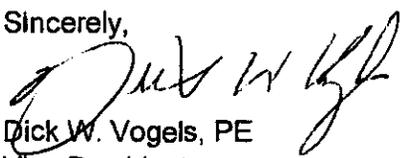
Dear Mr. McMillan:

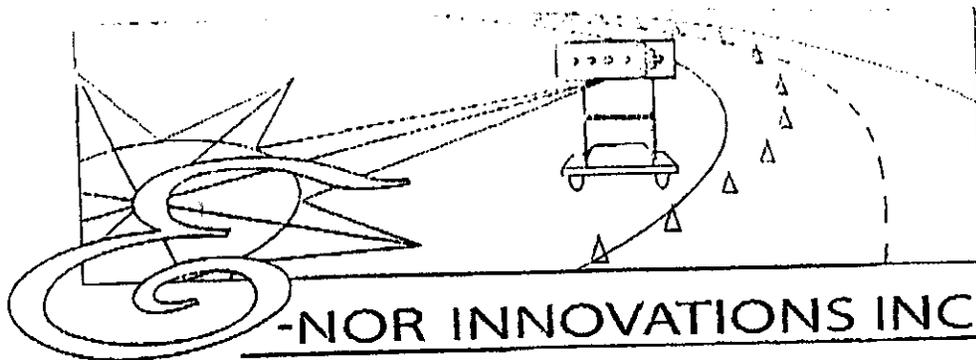
Peterson Chase (PC) has reviewed the enclosed letter dated July 25, 2013, from Caltrans regarding a bidder protest from Highland Construction Inc. (Highland) against our bid submitted for Contract 12-0L7504. We respond as follows:

- The basis of Highland's protest is that PC allegedly failed to list E-Nor Innovations (E-Nor) as a subcontractor for construction signs and traffic control. E-Nor is intentionally not listed as a subcontractor. E-Nor is only furnishing traffic control rental equipment to PC for Contract 12-0L7504. Accordingly, the bid protest is not valid, and should be denied.
- Attached is a copy of E-Nor's bid received by PC on the day of the bid opening. PC noted on the bid the specific rental equipment that would be utilized to achieve the DBE participation for this contract. There is no labor associated with the items PC utilized towards the DBE goals. Since we listed E-Nor for equipment rental only, there is no requirement to list them as a subcontractor. Again, the basis of the bid protest is not valid, and should be denied.

In summary, PC listed E-Nor towards the DBE goals for renting traffic control equipment and signs. Accordingly, since E-Nor is not providing any labor, there is no requirement to list E-Nor as a subcontractor for equipment rental. The basis of Highland's protest is not valid, and this contract should be awarded to Peterson Chase. Please call if questions arise.

Sincerely,


Dick W. Vogels, PE
Vice President



-NOR INNOVATIONS INC.
DVBE/SBE CERTIFIED CO. LIC. #931953
 (310)513-6209 Ph 310-513-6299 Fax
 DVBE/SBE# 37084 *UDBE/MBE/SBE CUCP #37718*
 GENERAL A, C31/D42 STATE LICENSE #931953
 UNION CONTRACTOR

6/20/13

Bidding Estimator
 PROJECT: Ramp Widening
 PROJECT NUMBER 12-0L7504
 BID DATE 6/20/13 BID TIME 2PM
 DVBE/SBE #37084 DISABLED VETERAN

ITEM	DESCRIPTION	COST
TRAFFIC CONTROL SYSTEMS		
1	ONE LANE, ONE DIRECTION, TWO MAN CREW ONE MILE, ONLY 8HR SHIFT	PER DAY. \$ 1,650
	PRICE INCLUDES 150 CONES, 1 ARROWBOARD 3 AWS, 4 C30, 1 BEACON	
2.	FOR EACH ADDITIONAL LANE ADD	\$ 200
3.	FOR EACH ADDITIONAL MILE ADD	\$ 200
4.	ADDITIONAL RAMP CLOSURE ADD	\$ 200
5.	CITY STREET LANE CLOSURE 8HR SHIFT	\$ 1,650
	75 CONES, 3 AWS, 2 C30, 1 ARROWBOARD	
6.	RAMP CLOSURE 1-4 RAMP PER LOCATION 8HR SHIFT	\$ 1,650
	150 CONES, 3C2, 8 PLAIN BARRICADES, 4 R3-2, 4 R3-1, 2 W20-3.	
7.	SHOULDER CLOSURES 8HR SHIFT	\$ 1,650
	100 CONES, 3AWS, 3 SMALL SIGNS	
8.	DETOUR RAMP CREW 8HRSHIFT	\$ 1,650
	25 FRWY DETOUR.	
9.	ATTENUATOR TRUCK WITH DRIVER 8HR SHIFT	\$ 976
10.	3MAN WITH PILOT CAR 8HR SHIFT	\$ 2,550
10.	PER DEIM CHARGE WILL BE CHARGED FOR OVERNIGHT STAYS PER DAY	\$ 230

11. ATTENUATOR TRUCK DAILY \$400, WEEKLY \$1,300, 4 WEEK RENTAL \$4,000
 Mileage \$0.49 per mile

55 EACH DAILY @ \$400 = \$22,000

12. CMS UNIT RENTAL

2 EACH, 1 MONTH @ \$1,200 = \$2,400

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July 25, 2013

Facsimile: (949) 252-0266

Greg Chase
Peterson-Chase General
Engineering Construction Inc.
1792 Kaiser Avenue
Irvine, CA 92614

12-0L7504
12-Ora-91-R0.3/R0.3
B.O. 6/20/2013

Dear Mr. Chase:

The Department of Transportation (Caltrans) received the enclosed letter dated July 23, 2013, from Highland Construction Inc. (Highland) protesting the bid submitted by Peterson-Chase General Engineering Construction, Inc. (Peterson-Chase). The protest alleges that the Subcontractor List and the Disadvantaged Business Enterprise (DBE) Commitment form submitted by Peterson-Chase contain irregularities. Specifically, Highland's protest alleges that Peterson-Chase failed to list a subcontractor for Item 2, Construction Area Signs, and Item 3, Traffic Control Systems, on the Subcontractor List, and claimed DBE participation in the amount of \$29,742.08 by listing E-Nor Innovations to perform work described as "Various" Traffic Control and Construction Area Signs.

As such, Highland requests that Caltrans uphold their protest and find Peterson-Chase nonresponsive.

Please provide your response to Highland's protest no later than July 30, 2013.

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

Sincerely,


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

Enclosure

**** Transmit Conf. Report ****

P. 1
CALTRANS CONTR AWARDS Fax 916-227-6282

Aug 8 2013 03:39pm

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
917145385157	Normal	08:03:38pm	1'05"	5	# 0 K	

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

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Sincerely,

JOHN C. McMILLAN
Deputy Division Chief
Office Engineer
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