

**DEPARTMENT OF TRANSPORTATION**

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER

P.O. BOX 168041, MS-43

SACRAMENTO, CA 95816-8041

PHONE (916) 227-6299

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www.dot.ca.gov



*Serious drought.  
Help save water!*

February 17, 2015

Facsimile: (949) 252-0266

Dick W. Vogels, Vice President  
Peterson-Chase General Engineering Construction, Inc  
1792 Kaiser Avenue  
Irvine, CA 92614

12-0L92U4  
12-Ora-5-0.0/29.6  
B.O. 10/30/14

Dear Mr. Vogels:

The Department of Transportation (Caltrans) received a bid from Peterson-Chase General Engineering Construction, Inc. (Peterson-Chase) for contract 12-0L92U4. By this letter, Caltrans notifies Peterson-Chase that its bid is nonresponsive because it submitted an inconsistent Subcontractor List and Disadvantaged Business Enterprise (DBE) Commitment Form.

Peterson-Chase identified Mallard Construction, Inc. (Mallard) on its Subcontractor's List form to perform work described in the following bid items;

Bid Items	Description of work	Percent of Work
3,11,29,38	Traffic Control System, Remove Thermoplastic Marking, Thermoplastic Pavement Marking, Mobilization	100 all items

However, on its DBE submittal form, Peterson-Chase identified Quality Traffic Control (Quality) as performing work described in the following bid items;

Bid Items	Description of work	Items of work	DBE	Amount
3, 5	Traffic Control System Portable changeable message sign	Rental CMS, impact attenuators, arrows	Quality Traffic Control	\$123,410

Peterson-Chase listed both Mallard and Quality Traffic Control to perform Bid Item 3. Since Peterson-Chase listed Mallard for 100 percent of Bid Item 3, it cannot also list Quality Traffic Control as performing work under Bid Item 3. This inconsistency renders Peterson-Chase's bid non-responsive.

Furthermore, given that \$123,410 meets the listing requirement of ½ of 1% of the amount of the bid or \$10,000, Peterson-Chase was required to list Quality Traffic Control on the Subcontractor List form. The failure to do so also renders the bid non-responsive.

The 2010 Standard Specification and California Public Contract Code Section require that any contractor submitting a bid or offer for construction of a public work or improvement list each subcontractor who will perform work in an amount in excess of ½ of 1 percent of the total bid or \$10,000, whichever is greater.

California Business and Professions Code Section 7026 defines a contractor, including a subcontractor, as "any person who undertakes to or offers to undertake to, or purports to have the capacity to undertake to, or submits a bid to, or does himself or herself or by or through others, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building, highway, road, parking facility, railroad, excavation or other structure, project, development or improvement, or to do any part thereof, including the erection of scaffolding or other structures or works in connection therewith, or the cleaning of grounds or structures in connection therewith, or the preparation and removal of roadway construction zones, lane closures, flagging, or traffic diversions, or the installation, repair, maintenance, or calibration of monitoring equipment for underground storage tanks, and whether or not the performance of work herein described involves the addition to, or fabrication into, any structure, project, development or improvement herein described of any material or article of merchandise."

Caltrans has determined that Quality is a C-32, Earthwork and Paving contractor and based on the quote, is providing services described as one impact attenuator vehicle, with driver per 8 hr shift, M-F. As such, is performing work on this contract as a subcontractor as defined under Business and Professions Code Section 7026 in an amount that is greater than ½ of 1% and \$10,000. Therefore, Quality meets the requirements for listing under the Subcontractor Listing Laws found in Public Contract Code Section 4100 et seq. Failure to list Quality on the Subcontractor List Form is a violation of Caltrans bidding instructions and the Public Contract Code.

Based on the above, Caltrans will proceed to award the contract to the lowest responsible bidder provided that all requirements are met.

Your attention is directed to Section 3-1.04 of the 2010 Standard Specifications. Caltrans is not obligated to offer an extension of the award period for a nonresponsive bid. Should you wish to extend your bid while resolving a nonresponsive finding, you must send your request to the Office Engineer no later than 4:00 p.m., two business days prior to the expiration of your bid.

Mr. D. Vogels  
February 17, 2015  
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If you have any questions, please contact Mulissa Smith, Contract Awards Branch Chief, at (916) 227-6228.

Sincerely,



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

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

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CALTRANS CONTR AWARDS Fax 916-227-6282

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STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

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