DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 30th STREET
P. O. BOX 168041
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6299
FAX (916) 227-6282
www.dot.ca.gov/hq/esc/oe

Flex your power!
Be energy efficient!

April 11, 2014

Facsimile: (949) 732-4355

Bisher Aljazzar, President
Future DB International, Inc.
8707 Research Drive
Irvine, CA 92618

12-0M5804
12-Ora-39-0.7/1.1
B.O. 03/20/2014

Dear Mr. Aljazzar:

The Department of Transportation (Caltrans) received the attached letter dated March 31, 2014, from Future DB International, Inc. (Future DB), protesting El Camino Construction and Engineering Corporation (El Camino) Subcontractor List form. The protest alleges that El Camino listed incorrect percentage of bid item subcontracted and noted incorrect and missing information on the Disadvantaged Business Enterprise (DBE) Commitment form. Future DB requests Caltrans find El Camino nonresponsive and award the contract to the lowest responsible bidder.

Caltrans reviewed the bid Documents, specifically the Subcontractor List form and determined that El Camino listed percentages that were representative of the total bid rather than the work to be performed. As such, the bid was found nonresponsive.

Based on the above, Caltrans will proceed to award this contract to the lowest responsive bidder, provided that all requirements have been met.

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

Sincerely,

for

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

Attachment

FUTURE DB
INTERNATIONAL INC.

March 31st, 2014

California Department of Transportation
Division of Engineering Services
Office Engineer
1727 30th Street
P.O. Box 168041
Sacramento, CA 95816-8041

Attn: John C. McMillan – Office Engineer

Re: Contract Number 12-0M5804
Bids Opened: March 20th, 2014
Bid Protest of El Camino Construction & Engineering

Dear Mr. McMillan,

Future DB hereby protests the award of the above mentioned project to El Camino Construction & Engineering due to errors with their bid documents.

Incorrect Percentage of Bid Item Subcontracted:

Review of El Camino's bid package shows that they incorrectly filled out their Subcontractor List. In particular, you can see that Percentage of Bid Item Subcontracted has percentages based on the total contract amount, rather than the percent of each item subcontracted. Section 2-1.33 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*". For reference, please refer to Attachment A.

Incorrect and Missing Information on DBE Commitment:

El Camino's DBE Commitment form has several errors as well. Bid Amount $ is completely blank, and the DBE goal percentage listed is 10%, when the contract goal was actually 6%. Please see Attachment B.

FUTURE DB
INTERNATIONAL INC.

In a similar instance, Caltrans ruled the apparent low bidder non-responsive. CalPortland protested Rockwood General Contractor's bid based on the same bid document errors. For reference, please see Attachment C.

Based on these errors, Future DB requests that Caltrans rule El Camino's bid non-responsive, and award the contract to the next responsive, responsible bidder.

Thank you,
Future DB International Inc.

Bisher Aljazzar
President

** Transmit Conf.Report **

P.1 Apr 11 2014 04:05pm
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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Sincerely,

for

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

Attachment