



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.



Attachment A

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
DES-OE-0102.2 (REV 3/2011)

Bidder Name: EL CAMINO CONSTRUCTION
CI ENGINEERING

The bidder must identify each subcontractor performing 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.). Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916) 227-6282 within 24 hours after the bid opening. Failure to provide complete information in columns 1 through 4 within the time specified will result in a nonresponsive bid.

Column 1: Business Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
Ashbaugh Consulting Westminster, CA	6	0.06%	Prep work for the plan
ACACIA Los Angeles, CA	23, 24, 25	2%	Cultivation, Soil Amendment, Fiber Matrix
Chrup Company Moonington, CA	29, 30, 31, 32, 33, 34, 35, 36	0.2%	Striping & Painting

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Attachment B

In bid book

LOW

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
CALTRANS BIDDER - DBE - COMMITMENT
DBE-0E-0102.10C (NEW 06/2012)

Low Bidder

This information may be submitted with your bid proposal. If it is not, and you are the apparent low bidder or the second or third low bidder, it must be submitted and received as specified in section 2 of the specifications. Failure to submit the required DBE information will be grounds for finding the bid nonresponsive.

CONTRACT NO: 12-0M5804

BID AMOUNT: 3

BID OPENING DATE: MARCH 20, 2014

BIDDER'S NAME: EL CAMINO CONSTRUCTION & ENGINEERING CORP

DBE GOAL FROM CONTRACT, %: 10%

DBE PRIME CONTRACTOR CERTIFICATION: 38799

BID ITEM NO.	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED?	FOR CALTRANS USE ONLY	NAME OF DBE (Must be certified on the date bids are opened - include Caltrans certification #, DBE address and phone number) (Indicate 2nd and lower tier subcontractors)	DOLLAR AMOUNT DBE*
<u>1-40</u>	<u>less items 6, 23, 24, 25, 29, 30,</u>			

IMPORTANT: Identify all DBE firms being claimed for credit, regardless of tier. Names of the First Tier DBE Subcontractors and their respective item(s) of work listed above must be consistent, where applicable, with the names and items of work in the "Subcontractor List" submitted with your bid. Copies of the DBE quotes are required.

- DBE prime contractors must enter their certification number and indicate all work to be performed by DBEs including work performed by its own forces.
- If 100% of item is not to be performed or furnished by DBE, describe exact portion of item to be performed or furnished.
- See section 2-1.12 of the specifications to determine the credit allowed for DBE firms.

Submit to:

MSC 43
OFFICE ENGINEER
DEPARTMENT OF TRANSPORTATION
1727 30TH STREET
SACRAMENTO, CA 95816-7005

Total Claimed Participation \$ 741,877

195 *

Miguel Guajardo
Signature of Bidder

3/19/2014
Date

562-983-8811
(Area Code) Tel. No.

Miguel Guajardo
Person to Contact (Please Type or Print)

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Attachment C

Received

JAN 30 2014 4:27PM

p. 1

Jan 30 2014 4:27PM UNION ASPHALT



CALPORTLAND
CONSTRUCTION

1625 E. Donovan Road, Santa Maria, CA 93454
P. O. Box 1280, Santa Maria, CA 93456
Phone: (805) 345-3581 Fax: (805) 345-3538
Contractor's License #523019

January 30, 2014

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

Attention: John C. McMillan - Office Engineer

Re: Contract Number 05-1A3404
Bids Opened: January 14th, 2014
Bid Protest of Rockwood General Contractors.

Dear Mr. McMillan,

CalPortland Construction hereby protests the award of the above mentioned project to Rockwood General Contractors (Rockwood) due to errors with their bid documents.

After reviewing the final bid documents, it became apparent that Rockwood's Subcontractor List and Certified DVBE Summary has major errors. The most blatant error is the Percentage of Bid Item Subcontracted, which has percentages based on the total contract bid rather than the percent of each item done. Another error is the failure to correctly list the DVBE \$ amount in the Certified DVBE Summary form, which causes Rockwood to not meet the DVBE Goal.

Incorrect Percentage of Bid Item Subcontracted

Upon further investigation of the bid summary, it is apparent that Rockwood's Percentage of Bid Item Subcontracted is incorrect. Caltrans 2010 Standard Specifications, 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".

Business, Name, and Location	Bid Item No.	Percentage of Bid Item Subcontracted	Description of Subcontracted Work
Mallard Construction	16	2.9	4" Thermo Stripe
633 Southern Ave	17	0.4	8" Thermo Stripe
Orange, CA 92865	18	2.0	Thermo Pave Marking
	19	0.0	4" Thermo Broken 12-3
	20	0.1	4" Thermo Broken 17-7
	21	0.0	Pave Marker (Non Reflect)
	22	0.6	Pave Marker (Retro Reflect)
	1	0.2	Lead Compliance Plan
	5	4.0	Jobsite Management

Received
Jan 30 2014 4:27PM UNION ASPHALT

Jan 30 2014 05:00am

P. 2



CALPORTLAND
CONSTRUCTION

1625 E. Donovan Road, Santa Maria, CA 93454
P. O. Box 1280, Santa Maria, CA 93456
Phone: (805) 345-3581 Fax: (805) 345-3538
Contractor's License #523019

As you can see from Rockwood's data above, the error is the Percentage of Bid Item Subcontracted column, which has percentages based on the total contract bid rather than the percent of each item done.

Failed to Meet DVBE Goal

It should also be mentioned that because of the incorrect subcontractor percentages, Rockwood failed to meet their DVBE goal. When the percentages listed for each item of the subcontractor Mallard Construction Inc are tabulated, the totals are below the 5% requirement.

Business, Name, and Location	Bid Item Nos.	Percentage of Bid Item Subcontracted	Description of Subcontracted Work	Total \$ Amount Subcontracted
Mallard Construction	16	2.9	4" Thermo Stripe	\$602.14
633 Southern Ave	17	0.4	8" Thermo Stripe	\$16.40
Orange, CA 92865	18	2.0	Thermo Pave Marking	\$384.54
	19	0.0	4" Thermo Broken 12-3	\$0.00
	20	0.1	4" Thermo Broken 17-7	\$0.90
	21	0.0	Pave Marker (Non Reflect)	\$0.00
	22	0.6	Pave Marker (Retro Reflect)	\$37.14
	1	0.2	Lead Compliance Plan	\$3.23
	5	4.0	Jobsite Management	\$1,526.58
Total:				\$2,770.94

As you can see above, the total \$ amount subcontracted to the DVBE Subcontractor, Mallard Construction, is only \$2,770.94, per Rockwood's Subcontractor List. That is only 0.31% of DVBE participation, which is well below the required 5% goal.

Conclusion

After reviewing the final bid documents, it is apparent that Rockwood's Subcontractor list and Certified DVBE Summary has major errors. The most blatant error is the Percentage of Bid Item Subcontracted, which has percentages based on the total contract bid rather than the percent of each item done. Another error is the failure to correctly list the DVBE \$ amount in the Certified DVBE Summary form, which causes Rockwood to not meet the DVBE Goal.

CalPortland Construction requests that Caltrans adhere to the strict guidelines that are put forth for fair and competitive bidding purposes, and would like to conclude that Rockwood's bid is non-responsive and not eligible for award.

Sincerely,

Dave McAuley
Dave McAuley
General Manager

Construction Services - CalPortland Construction

CALPORTLAND IS AN EQUAL OPPORTUNITY EMPLOYER

STATE OF CALIFORNIA - CALIFORNIA STATE TRANSPORTATION AGENCY



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

*Flex your power!
be energy efficient!*

February 3, 2014

Facsimile: (805) 343-7736

Karen Bray, President
Rockwood General Contractors
781 Calle Bendita
Arroyo Grande, CA 93420

05-1A3404
05-SB-192-R0.0/2.8
B.O. 01/14/2014

Dear Ms. Bray,

The Department of Transportation (Caltrans) received a bid submitted by Rockwood General Contractors (Rockwood) for Contract 05-1A3404 on January 14, 2014. By this letter, Caltrans notifies Rockwood that its bid is nonresponsive because it failed to properly complete the Subcontractor List form.

Caltrans 2010 revised Standard Specifications, 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*". In column 3 on the Subcontractor List form submitted with the bid, Rockwood listed percentages that are representative of the total contract bid rather than the percent of work to be performed. As a result, Caltrans was unable to determine the actual amount of work to be performed by the subcontractors.

Based upon 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.

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

Attachment

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
 DES-06-8102.2 (REV 03/2011)

Bidder Name: ROCKWOOD GENERAL CONTRACTORS

The bidder must identify each subcontractor performing work in an amount in excess of 1/2 of 1 percent of the total bid or \$10,000, whichever is greater (Pub Cost Code § 4100 et seq.). Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916) 227-8282 within 24 hours after the bid opening. Failure to provide complete information in columns 1 through 4 within the time specified will result in a nonresponsive bid.

Column 1: Business Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
MALLARD CONSTRUCTION INC 633 SOUTHERN AVE ORANGE, CA 92665	16	2.9	4" THERMO STRIPE
	17	0.4	8" THERMO STRIPE
	18	2.0	THERMO PAVE MARKING
	19	0.0	4" THERMO BROKEN 12-3
	20	0.1	11" THERMO BROKEN 17-7
	21	0.0	PAVE MARKER (NON REFLECT)
	22	0.6	PAVE MARKER (RETRO REFLECT)
	1	0.2	LEAD COMPLIANCE PLAN
	5	4.0	SUBSITE MANAGEMENT
ARROW SIGNS 42085 VANDAMERE CT TEMECULA, CA 92592	2	0.6	CONST. AREA SIGNS
AC DIKE CO. 2788 VENTURE DR. LINCOLN, CA 95548	8	0.3	SHOULDER BACKING
	12	0.4	PLACE HMA DIKE.
LEE WILSON ELECTRIC CO 1151 EL CAMINO REAL ARROYO GRANDE, CA 93421	23	0.1	MAINTAIN EXISTING T.M.S.E
	24	6.6	MONEY SIGNAL
DELTA GRINDING CO. 5131 LONE TREEWAY ANTIOCH, CA 94531	7	2.8	COLD PLANTS AC

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Confidential

To:

Company :

Fax Number : 9162276282

Phone Number :

From: Future DB Estimating Department

Fax Number : 949-732-4355

Phone Number : 949-390-2111

Time Sent : Monday, March 31, 2014 12:38PM

Pages : 12

Description : Future DB Protest 12-0M5804

MESSAGES:

Please find the attached bid protest for Contract 12-0M5804