

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!*

May 22, 2013

Facsimile: (209) 263-0123

Mike Bross, Vice President
Chester Bross Construction
39 California Street, PMB 118
Valley Springs, CA 95252

01-491214
01-Lak-29-11.9/19.1
B.O. 04/17/2013

Dear Mr. Bross:

The Department of Transportation (Caltrans) received the attached letter from Chester Bross Construction (Chester Bross) for Contract No. 01-491214 on May 9, 2013, protesting the Subcontractor List and the Certified Disabled Veteran Business Enterprise (DVBE) Summary forms submitted by Windsor Fuel Company (Windsor). Chester Bross also protests the Subcontractor List form submitted by Synergy Project Management (Synergy). Chester Bross alleges that Windsor "added subcontractors to its DVBE form in an effort to achieve the necessary minimum DVBE participation percentage." Chester Bross also alleges that Synergy revised their Subcontractor List form. Chester Bross requests that Caltrans find the bids submitted by Windsor and Synergy nonresponsive and award the contract to Chester Bross.

After further review of the protest, Caltrans finds that Windsor has met the requirement for submission of the bid and cannot be found nonresponsive on the basis of which Chester Bross is asserting. Further, Caltrans did not complete an evaluation of the protest against Synergy because they were found nonresponsive.

Based on the above, Caltrans finds Chester Bross' protests lack merit and will proceed to award this contract to the lowest responsible bidder provided all requirements are met.

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



—WESTERN DIVISION—

39 California Street, PMB 118
Valley Springs, CA. 95252
209-747-3595 Phone
209-263-3595 Fax

May 9, 2013

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 30th STREET
P.O. BOX 168041
SACRAMENTO, CA 95816-8041
PHONE (916) 227-8300
FAX (916) 227-6282

ATTN: Mr. John C. McMillan
Deputy Division Chief

Subject: 01-491214 LAKE COUNTY NEAR LOWER LAKE FROM COYOTE CREEK BRIDGE TO 1.2 MILES
SOUTH OF ROUTE 53

Re: FORMAL PROTEST OF BIDS SUBMITTED BY WINSOR FUEL COMPANY AND SYNERGY PROJECT
MANAGEMENT, INC.

Dear Mr. McMillan,

Please consider this letter to be a formal protest of the bid submitted by Windsor Fuel Company (Windsor), and a formal protest of the bid submitted by Synergy Project Management, Inc. (Synergy) in connection with Contract No. 01-491214. Chester Bros Construction is presently the Third Lowest bidder on the subject project. The bids turned in by Windsor and Synergy are nonresponsive and therefore must be rejected based on the Department's bidding requirements and strictly-enforced policies.

The bid submitted by Windsor is non-responsive as set forth: The Certified DVBE Summary form states in part... "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 (Pub Cont Code 4100 et seq.) submitted with the bid." The governing specifications Section 2-1.15B, the last sentence, states clearly in the last sentence "List each 1st-tier DVBE subcontractor in the Subcontractor List form regardless of percentage of the total bid." Windsor on its bid day, also final, Subcontractor Listing submittal, lists only Linear Options of Menlo Park, CA. for assorted items of work, no other subcontractor is listed. Windsor then submitted its Certified DVBE Summary which included Wells Sweeping for work construction operations, more specifically, Street Sweeping, associated with bid items 9,10,12, and 14 for a dollar amount of \$14,500.00 also, Mike Arther & Son is listed for construction

1511

operations, more specifically Water Truck Services, associated with bid items 9 and 14 for a dollar amount of \$10,440.00. The total dollar amount for these combined services is \$24,940.00 that Windsor has incorrectly claimed as DVBE credit. In keeping with the specifications governing the Certified DVBE Summary, Windsor cannot claim DVBE credit for the two afore mentioned contractors as again, Section 2-1.15B, states very clearly that the bidding contractor must... "List each 1st-tier DVBE subcontractor in the Subcontractor List form regardless of percentage of the total bid." As such, the Total Claimed DVBE Participation dollar amount on the Windsor Certified DVBE Summary of \$58,550.00 must be reduced by \$24,940.00 to account for the incorrectly listed subcontractors listed above. This reveals a correct and accurate Total Claimed DVBE Participation dollar amount for Windsor of \$33,610.00.

Additionally, Section 2-1.15B also states very clearly that the bidding contractor must "Meet the goal shown on the Notice to Bidders."

When calculating the correct Total Claimed DVBE Participation percentage utilizing the actual applicable dollar total of \$33,610.00, the true DVBE percentage achieved by Windsor is 2.60%. This actual and corrected DVBE participation percentage is less than the goal necessary for award of this project. These facts are clear, correct and undisputable.

In violation of the express requirements of the bid documents, Windsor added subcontractors to its Certified DVBE Summary in an effort to achieve the necessary minimum DVBE participation percentage. This leads to the second violation of the express requirements of the bid documents. When correct dollar amounts are utilized to calculate the actual DVBE participation percentage for the bid submitted by Windsor, the actual DVBE participation percentage is 2.6% which is lower than the required DVBE participation percentage. Based on these facts and substantiated by Caltrans past precedence, Caltrans should find Windsor's bid nonresponsive and award the contract to the lowest responsive bidder Chester Bross Construction.

The bid submitted by Synergy is non-responsive as set forth: The Subcontractor List form states in part... "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." *No other revisions to the form are permitted.*

In violation of this express requirement of the bid documents, Synergy revised its Subcontractor List form by adding subcontracted work that was not listed on their submitted bid form. Chrisp Company from Woodland, California was originally listed by Synergy to perform Striping & related partial. Synergy then submitted the completed 24 hour Subcontractor listing with definite changes to the original document as submitted with the bid. More specifically, Synergy added Bid Item # 1 Lead Compliance Plan and Bid Item # 3 Traffic Control System for Chrisp Company on the 24 hour subcontractor list submittal. Bid items 1 and 3 were not referenced, described or listed on Synergy's original submittal, and bid items 1 and 3 are not considered striping or related work. Based on this fact and substantiated by Caltrans past precedence, Caltrans should find Synergy's bid nonresponsive and award the contract to the lowest responsive bidder, Chester Bross Construction.

An additional or secondary point could be made with regards to Synergy's bid, that the original subcontractor list submittal by Synergy clearly defined the entire scope of work for Chrisp Company as being (partial) when in fact upon review of the Synergy 24 hour subcontractor list submittal, bid items 7, 8, 19, 20, 24, and 25 are shown to be 100% Chrisp items of work. This change from originally listed (partial) performance in column 4 to 100% item performance on numerous bid items is a direct conflict and change from the Original Synergy submittal. As such, based on this additional fact, Caltrans should again, find Synergy's bid nonresponsive and award the contract to the lowest responsive bidder, Chester Bross Construction.

As a third point in Synergy's violation of the express requirements of the bid documents, Synergy added bid item 7 and 8 to the 24 hour subcontractor list submittal. Bid item 7 is "REMOVE THERMOPLASTIC TRAFFIC

STRIPE" and bid item 8 is "REMDVE THERMDPLASTIC PAVEMENT MARKING". Again, the Description of Subcontracted Work for Crisp Company under Column 4 on the original submittal was clear and specific, "Striping and related partial". Bid Items 7 and 8 were not referenced, described or listed on Synergy's original submittal, and bid items 7 and 8 are not considered striping work. Based additionally on these facts, Caltrans should find Synergy's bid nonresponsive and award the contract to the lowest responsive bidder, Chester Bross Construction.

Caltrans has been consistent in its requirement that all subcontractors listed on the Certified DVBE Summary must have been listed in the Subcontractor List form regardless of percentage of the total bid to be considered applicable towards the DVBE goal. Caltrans has also been consistent in its requirement and subsequent enforcement of the requirement to meet the DVBE goal. Further, Caltrans has been consistent in its requirement that bid item work listed under Column 2 must fall under the category and/or be a component of work listed under column 4. Additional bid items or scopes of work cannot be added on the revised bid list, or subsequent 24 hour submittal. Any such deviations as evident on the synergy submittals specific to this project have and will lead Caltrans to find a bid to be nonresponsive.

Caltrans has consistently found bidders to be nonresponsive for some exact and several similar errors and or revisions made by both Windsor and Synergy in the bids submitted by them on this project. Caltrans Contracts 10-0A8404, 10-0A8724, 04-3A23U4 and 04-153204 are a few examples of similar determinations (please see attached), with several additional contracts presently being reviews by the department for errors and revisions of a similar nature. The Department owes a duty to enforce its bid requirements in a fair and uniform manner consistent with set precedence, and in keeping with the governing Subletting and Subcontracting Fair Practices Act of the Public Contract Code. Accordingly, because both Windsor and Synergy have violated the Department and governing bid requirements for reasons set forth herein, the Department must reject the Windsor and Synergy bids as nonresponsive.

Based on the facts presented herein, it is respectfully and formally requested that the Department uphold and validate Chester Bross Construction's bid protest and award the contract to our company, which submitted the lowest responsive and responsible bid for Contract No. 01-491214.

Thank you for your attention to this matter and please feel free to contact me if you have any questions.

Very truly yours,



Shawn N. Simmons
Western Division Manager

Via FedEx to the address above
Via Facsimile to (916) 227-6282

~~CORPORATE OFFICE~~
6739 CR 423
Palmyra, MO 63461
P.O. Box 430
Hannibal, MO 63401
573-221-5958 (phone)
573-221-1892 (fax)
Website: www.cbrossgroup.com



Please consider the environment before printing this quotation.

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

Bidder Name: Windsor Fuel Co.

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) 227-6262 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 |
|--------------------------------------|-------------------------|--|---|
| LINEAR OPTIONS MENDO PARK, CA | 1 | 100 | LEAD COMPLIANCE PLAN |
| | 3 | 11.3 | TRAFFIC CONTROL (Partial) |
| | 7 | 100 | Remove Thermo stripe |
| | 8 | 100 | Remove Thermo Marking |
| | 15 | 100 | Centerline Rubble stripe |
| | 16 | 100 | Shoulder Rubble stripe |
| | 19 | 100 | Thermo Pavement Marking |
| | 20 | 100 | 4" Thermo Traffic stripe |
| | 21 | 100 | 4" Thermo Traffic stripe Broken 11-3 |
| | 22 | 100 | 4" Thermo Traffic stripe Broken 36-12 |
| | 23 | 100 | 8" Thermo traffic stripe |
| | 24 | 100 | Pavement Marker (Retro) |
| | 25 | 100 | Pavement Marker (Retro Recessed) |

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DIT

4 of 11

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
CERTIFIED DVBE SUMMARY
 DES-0E-0102.5 (REV 3/2008)

Low Bidder

DISTRICT-COUNTY-ROUTE: 01 - Lake - 29
 CONTRACT NO.: 01-491214
 TOTAL BID: \$ 1,292,000.00 04-19-15P01:40 R010
 BID OPENING DATE: APRIL 17, 2013
 BIDDER'S NAME: Windsor Fuel Company
 DVBE PRIME CONTRACTOR CERTIFICATION: _____

| Bid Item Number | Description of Work to Be Subcontracted to DVBE or Materials to Be Supplied by DVBE: | For Caltrans Only | DVBE (Name, Telephone No., and Certification No.) | \$ Amount |
|---|--|-------------------|---|-----------------------------|
| 19-23 | Supply Trench material to LAJ | | James Gable Lumber 520-885-4257 CERT #07 | \$ 21,450.00 |
| 406 | WACP - PCMS | | Global Environmental 800-230-6944 CERT# 27765 | \$ 12,160.00 |
| 9,10,12,14 | STREET SWEEPING | | Wells Sweeping 916-568-0104 CERT# 0000233 | \$ 14,500.00 |
| 9,14 | WATER TRENCH SERVICES | | MIKE ARMSTRONG 530-668-6442 CERT# 46844 | \$ 10,440.00 |
| 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 (Pub Conl Code § 4100 et seq.) submitted with the bid. Identify second and lower tier subcontractors on this form. | | | | Total Claimed Participation |
| | | | | \$ 57,550.00 4.531 % |

- DVBE prime contractors must enter their DVBE reference number or their DBA name as listed with Department of General Services (DVBE prime contractors are credited with 100 percent DVBE participation and need not complete the above table).
- If 100% of an item is not performed or supplied by the DVBE, describe the exact part, including the planned location of work, to be performed, or item to be performed or supplied by DVBE.

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

M. Armstrong
 Signature of Bidder Date
925-427-5266
 (Area Code) Telephone Number
MIKE ARMSTRONG
 Contact Person (Type or Print)

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or visit Records and Forms Management, 1120 N Street, MS-09, Sacramento, CA 95814.

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STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
DBS-DE-0102.2 (REV 3/2011)

Synergy Project Management
150 Executive Park Blvd. #400
San Francisco, CA 94134

Bidder Name: Ph:415-467-3000 Fax:415-467-3001

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) 227-5282 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

DVBE TRK
Campbell, CA

TRUCKING 1/2 RELATED
PARTIAL (AC, GRIND)

CHRISP COMPANY
WOODLAND, CA

STRIPING 1/2 RELATED
PARTIAL

APADANA ENGINEERING
SAN FRANCISCO, CA

AC PAVING ONLY
RELATED 1/2 PARTIAL

ABSX CO.
SACRAMENTO, CA

Grinding PARTIAL
1/2 RELATED

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MH

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
DES-02-01022 (REV 02/11)

Strategy Project Management
150 Executive Park Blvd. #A100
San Francisco, CA 94134
Bidder Name: PH115-467-3001, B0116, B0119, B0121

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 No. | Column 3: Percentage of Bid Item Subcontracted | Column 4: Description of Subcontracted Work |
|--|------------------------|--|---|
| DUBE Trucking Campbell, CA | 9 | 9% | Partial Trucking and Related (AC and Grind) |
| | 12 | 10% | |
| | 14 | 4% | |
| Abel Construction Sacramento, CA | 9 | 67% | Grinding (Partial) and related |
| Apodaca Engineering San Francisco, CA | 14 | 37% | AC Paving : Related (partial) |
| CHRISP Company Woodland, CA | 01 | 75% | Striping : Related (partial) |
| | 03 | 17% | |
| | 07 | 100% | |
| | 08 | 100% | |
| | 19 | 100% | |
| | 20 | 100% | |
| | 21 | 30% | |
| | 22 | 75% | |
| | 23 | 44% | |
| | 24 | 100% | |
| 25 | 100% | | |

ADA Notice: For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 864-6610 or TDD (916) 864-2889 or write Records and Forms Management, 1725 W Street, 958-01, Sacramento, CA 95814.

~~STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION AND PUBLIC UTILITIES~~

~~MAILING LABEL - 35000000~~

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 41
1727 30th STREET
P. O. BOX 188881
SACRAMENTO, CA 95818-8881
PHONE (916) 227-6228
FAX (916) 227-6222
TTY 711



Put your power
to every effort

January 17, 2012

Facsimile: (925) 687-2122

Benjamin L. Rodriguez Jr., President
Bay Cities Paving and Grading, Inc.
P.O. Box 6227
Coronado, CA 94520

10-0A8404
10-Sec, SJ, Sol-5, 12-Vet
B.O. 12/7/11

Dear Mr. Rodriguez:

The Department received the attached revised "Subcontractor List" on December 7, 2011, for Contract No. 10-0A8404 from Bay Cities Paving and Grading, Inc. (Bay Cities). In the revised list Bay Cities included bid items 20, 24, 28, 34, 35, 37, 38, 68 - 71, 74, 75, 89, and 90 to column 2 for Farwest of Lodi which does not match up with the description in column 4. This letter is to inform you that the Department cannot accept the revised "Subcontractor List" as it would violate the Subletting and Subcontracting Fair Practices Act of the Public Contract Code. The subcontractor list originally submitted by Bay Cities with its bid on December 7, 2011 will be used.

The Subcontractor List form states in part, "Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916) 227-6222 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." No other revisions to the form are permitted. Bay Cities added bid item numbers listed in column 2 which don't match up with the description in column 4 for Farwest of Lodi.

Based on the above, the Department finds your bid is nonresponsive. The Department will proceed to award the contract to the lowest responsible bidder provided all requirements are met.

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

Sincerely,

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

Attachment

c: Deviva Ocas Construction
P.O. Box 2909
Dublin, CA 94568
Fax (925) 803-4263

B of 11
SFR

~~SECRETARY OF STATE - BUSINESS TRANSPORTATION AND TRADING AGENCY~~

~~MAILING ADDRESS~~

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, 348 43
120 3rd STREET
P. O. BOX 18881
SACRAMENTO, CA 95818-0881
PHONE (916) 227-6228
FAX (916) 227-6228
TTY 711



Please print
in large letters

June 5, 2012

Facsimile: (209) 523-4977

Ed Decler, Vice President
George Road, Inc.
P. O. Box 4760
Madison, CA 95352

10-0A8724
10-Sta-219,100-3.4/7.9,44.3/44.9
B.O. 5/1/12

Dear Mr. Decler:

George Road, Inc. (George Road) submitted a bid on contract 10-0A8724 on May 1, 2012. By this letter, the California Department of Transportation (Caltrans) notifies George Road that its bid is unresponsive because it listed Farwest Safety, Inc. as previous bid item 24 (Temporary Crash Cushion Module) and bid item 56 (Remove Crash Cushion Module) on its 24 hour subcontract list submitted.

George Road's original submitted lists Farwest Safety, Inc. to do sign work. Bid items 24 and 56 are not considered sign work.

Based on the above, Caltrans finds your bid is unresponsive and will award the contract to the lowest responsive bidder.

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

Sincerely,

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

Attachment

c: Bay Cities Paving & Gravel, Inc.
P. O. Box 6227
Concord, CA 94524-1227
Fax: (925) 687-2122

90511

05/09/2013 15:38 Received
2097723183

May 9 2013 03:45pm
MAILDEPOTETC

PAGE 11/12

04/24/2013 10:26 Received
2097723183

Apr 24 2013 10:32am
MAILDEPOTETC

PAGE 07/08

04/05/2013 15:32 Received
4154548376

Apr 5 2013 03:26am
GILLOTT1 BROS

PAGE 05/06

~~STATE OF CALIFORNIA - OFFICE OF ENGINEERING SERVICES~~

~~NON-MILITARY BIDDING~~

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 30th STREET
P. O. BOX 180841
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6282
FAX (916) 227-4282
TTY 711



Put your picture
in every envelope

August 23, 2012

Facsimile: (510) 526-0990

Greg Souder, Secretary
O.C. Jones and Sons, Inc.
1520 Fourth Street
Berkeley, CA 94710

04-3A231J4
04-Sep-10/25.6/29.2
B.O. 8/8/12

Dear Mr. Souder:

O.C. Jones and Sons, Inc. (O.C. Jones) submitted a bid for contract 04-3A231J4 on August 8, 2012. By this letter, the Department of Transportation (Caltrans) notifies O.C. Jones that its bid is nonresponsive because it failed to properly submit the Subcontractor List.

The Subcontractor List form states in part, "...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." No other revisions to the form are permitted.

Since Myers and Sons were originally subcontracted to perform Bridge Structures, but bid item 127 Structural Concrete Retaining Wall and bid item 128 Structural Concrete Sound Wall were added on the revised bid list received on August 9, 2012, Caltrans finds your bid is nonresponsive. Caltrans will proceed to award the contract to the lowest responsible bidder provided all requirements are met.

Your attention is directed to Section 3-1.02 of the Amendments to the 2006 Standard Specifications. Caltrans is not obligated to offer an extension of the award period for a nonresponsive bid. Should you wish to offer to extend your bid while resolving a nonresponsive finding you must send your request to the Office Engineer no later than 4:00 pm two business days prior to the expiration of your bid.

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, 400 4J
1727 30th STREET
P. O. BOX 18001
SACRAMENTO, CA 95816-0001
PHONE (916) 227-6200
FAX (916) 227-6202
TTY 711



Plan your project
to energy efficiency!

November 2, 2012

Facsimile: (408) 365-9548

Rodney Jany, Vice President
Pavex Construction Division
120 Granite Bank Way
San Jose, CA 95136

04-153204
04-AIA-SCI-680-0.00.1,
0.179.9
B.O. 10/2/12

Dear Mr. Jany:

Pavex Construction Division (Pavex Construction) submitted a bid for contract 04-153204 on October 2, 2012. By this letter, the Department of Transportation (Caltrans) notifies Pavex Construction that its bid is nonresponsive because it failed to properly submit the Subcontractor List.

The Subcontractor List form states in part, "...Complete column 1 and 4 and submit with the bid. Complete column 2 and 3 and submit with the bid or fax to (916) 227-6202 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." No other revisions to the form are provided.

Since Statewide Traffic Safety Signs was originally subcontracted to perform Construction Area Signs, but roadway signs were added to the revised bid list received on October 3, 2012, Caltrans finds your bid is nonresponsive. Caltrans will proceed to award the contract to the lowest responsible bidder provided all requirements are met.

Your attention is directed to Section 3-1.02 of the Amendments to the 2006 Standard Specifications. Caltrans is not obligated to offer an extension of the award period for a nonresponsive bid. Should you wish to offer to extend your bid while resolving a non-responsive finding you must send your request to the Office Engineer no later than 4:00 pm two business days prior to the expiration of your bid.

If you have any questions, please contact David Newman, Contract Awards Senior, at (916) 227-6285.

Sincerely,

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

Attachment

11 of 11
[Handwritten signature]

Fax

JOHN McMILLAN
OFFICE ENIG, MS 43
To: CALTRANS. DIV. of ENIG, 200 From: SHARLA SIMMONS
CHESTER BLOSS CONST

Fax: 916 227-6282 Pages: 12 including cover
Phone: 916 227-8300 Date: 5/9/13
01-491214
Re: BIO PROTEST CC:

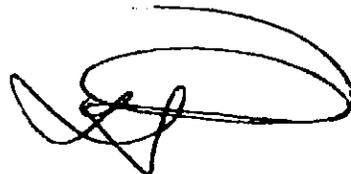
Urgent For Review Please Comment Please Reply Please Recycle

• Comments:

★ BIO PROTEST.

ORIGINAL SENT VIA
FEDEX TRACKING NBR.

8023 0479 8143



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

P. 1

May 22 2013 12:08pm

CALTRANS CONTR AWARDS Fax 916-227-6282

| Fax/Phone Number | Mode | Start | Time | Page | Result | Note |
|------------------|--------|------------|-------|------|--------|------|
| 912092630123 | Normal | 22:12:04pm | 4'13" | 13 | O K | |

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

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!*

May 22, 2013

Facsimile: (209) 263-0123

Mike Bross, Vice President
Chester Bross Construction
39 California Street, PMB 118
Valley Springs, CA 95252

01-491214
01-Lak-29-11.9/19.1
B.O. 04/17/2013

Dear Mr. Bross:

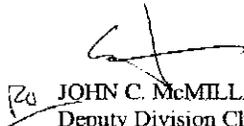
The Department of Transportation (Caltrans) received the attached letter from Chester Bross Construction (Chester Bross) for Contract No. 01-491214 on May 9, 2013, protesting the Subcontractor List and the Certified Disabled Veteran Business Enterprise (DVBE) Summary forms submitted by Windsor Fuel Company (Windsor). Chester Bross also protests the Subcontractor List form submitted by Synergy Project Management (Synergy). Chester Bross alleges that Windsor "added subcontractors to its DVBE form in an effort to achieve the necessary minimum DVBE participation percentage." Chester Bross also alleges that Synergy revised their Subcontractor List form. Chester Bross requests that Caltrans find the bids submitted by Windsor and Synergy nonresponsive and award the contract to Chester Bross.

After further review of the protest, Caltrans finds that Windsor has met the requirement for submission of the bid and cannot be found nonresponsive on the basis of which Chester Bross is asserting. Further, Caltrans did not complete an evaluation of the protest against Synergy because they were found nonresponsive.

Based on the above, Caltrans finds Chester Bross' protests lack merit and will proceed to award this contract to the lowest responsible bidder provided all requirements are met.

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