

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER, MS 43

1727 30th STREET

P. O. BOX 168041

SACRAMENTO, CA 95816-8041

PHONE (916) 227-6300

FAX (916) 227-6282

TTY 711

*Flex your power!
Be energy efficient!*

April 17, 2013

Facsimile: (209) 522-1652

John McGee, CEO
Cimarron, Inc.
929 O'Byrnes Ferry Road
Copperopolis, CA 95228

03-3F4204
03-Pla-89-T8.6/10.9
B.O. 03/27/2013

Dear Mr. McGee:

The Department of Transportation (Caltrans) received a letter from Cimarron, Inc. (Cimarron) protesting a bid submitted by Desert Concepts Construction, Inc. (Desert Concepts) for Contract No. 03-3F4204 on March 27, 2013. The protest alleges that Desert Concepts did not provide the required percentage of bid items subcontracted for Sambrano Traffic Control, Inc. Cimarron requests that Caltrans find the bid submitted by Desert Concepts nonresponsive and award the contract to the next responsible bidder.

Caltrans did not complete an evaluation of this protest since the bid submitted by Desert Concepts was found nonresponsive.

Based on the above, Caltrans finds Cimarron's protest has no bearing on the awarding of this contract. Caltrans will proceed to award the contract to the lowest responsible bidder provided that all requirements are met.

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

Sincerely,

A handwritten signature in black ink, appearing to read "John C. McMILLAN".

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

Attachment

Cimarron, Inc.

929 O'Byrnes Ferry Road
Copperopolis, CA 95228
(209)522-1655 fax (209)522-1652
License No. 827599

April 12, 2013

Mr. Earl Seaberg
Office Engineer Contracts Award Branch Chief
California Department of Transportation
1727 30th Street
Sacramento, CA 95816

RE: BID PROTEST

Caltrans Contract Number 03-3F4204
Bid Date: March 27, 2013 @ 2:00 p.m.

Mr. Seaberg,

Please consider this letter to be a formal protest of the bid submitted by Desert Concepts Construction, Inc in connection with Contract No. 03-3F4204. Desert Concepts Construction, Inc. is nonresponsive and therefore must be rejected based on the Department's bidding requirements and strictly - enforced policies.

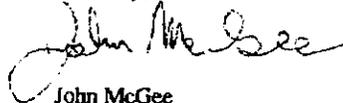
The Subcontractor List form states in part, "... Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916) 227-6282 within 24 hours after the bid opening. Failure to provide complete information in columns 1 through 4 within the time specified will result in a nonresponsive bid."

On the original submitted Subcontractor List, Desert Concepts Construction, Inc. fails to list a percentage of bid items subcontracted for Sambrano Traffic Control Inc. and USC Supply.

Caltrans has consistently found bidders to be non-responsive for Subcontractor Lists not being properly filled out according to Caltran's requirements.

We therefore respectfully request that the Desert Concepts Construction, Inc be found non-responsive and the contract should be awarded to the next responsible bidder.

Sincerely,



John McGee
"CEO" Cimarron Inc

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
DES-05-0102.2 (REV 3/2011)

Bidder Name: Desert Concepts Construction, Inc.

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 non-responsive 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
Appian WBE SWPPP 5780 Olinda Road El Sobrante, CA. 94803	1	100%	Lead Compliance Plan Prepare Water Pollution Control Program
	2	100%	
Sambrano Traffic Control Inc. 10057 Collins Rd. Wilton, CA. 95593	3	Partial	Traffic Control
USC Supply 12305 Locksley Lane Auburn, CA. 95602	32	Partial	15" HDPE BELL & Spigot Stormite

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 854-0110 or TDD (916) 664-3522 or write Records and Forms Management, 1120 N Street, MS-39, Sacramento, CA 95812.

Contract No. 03-3F4204

FAX COVER SHEET

Cimarron, Inc. 929 O'Byrnes Ferry Road, Copperopolis, Ca. 95228

TO: MR. EARL SEABERG
DEPARTMENT OF TRANSPORTATION

FAX: (916) 227-6282

PHONE:

FROM: Cimarron, Inc

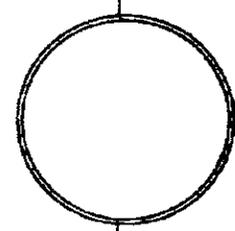
FAX: 209-522-1652

PHONE: 209-522-1655

NUMBER OF PAGES (INCLUDING COVER): 3

RE: Protest Letter Contract No. 03-3F4204

COMMENTS:



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

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

Apr 18 2013 09:10am

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
912095221652	Normal	18:09:09am	1'05"	4	* 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) 227-6300
FAX (916) 227-6282
TTY 711



*Flex your power!
Be energy efficient!*

April 17, 2013

Facsimile: (209) 522-1652

John McGee, CEO
Cimarron, Inc.
929 O'Byrnes Ferry Road
Copperopolis, CA 95228

03-3F4204
03-Pla-89-18.6/10.9
B.O. 03/27/2013

Dear Mr. McGee:

The Department of Transportation (Caltrans) received a letter from Cimarron, Inc. (Cimarron) protesting a bid submitted by Desert Concepts Construction, Inc. (Desert Concepts) for Contract No. 03 3F4204 on March 27, 2013. The protest alleges that Desert Concepts did not provide the required percentage of bid items subcontracted for Saubrano Traffic Control, Inc. Cimarron requests that Caltrans find the bid submitted by Desert Concepts nonresponsive and award the contract to the next responsible bidder.

Caltrans did not complete an evaluation of this protest since the bid submitted by Desert Concepts was found nonresponsive.

Based on the above, Caltrans finds Cimarron's protest has no bearing on the awarding of this contract. Caltrans will proceed to award the contract to the lowest responsible bidder provided that all requirements are met.

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

Sincerely,


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

Attachment