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!

February 25, 2014

Facsimile: (209) 263-0123

Mike Bross, Vice President
Chester Bross Construction Co.
39 California St., PMB 188
Valley Springs, CA 95252

04-3E4004
04-Nap-128-19.1/34.3
B.O. 2/11/14

Dear Mr. Bross,

The Department of Transportation (Caltrans) received the attached letter dated February 20, 2014 from Martin Brothers Construction (Martin Bros.) protesting the bid submitted by Chester Bross Construction Co. (Chester Bross). The protest alleges that Chester Bross should provide proof that the bidders bond was executed on February 11, 2014 in Missouri and submitted to Caltrans on that same day, and that Chester Bross reduced the scope of work on the 24 hour Subcontractor Listing for Item 14, Remove Asphalt Concrete Dike.

Please provide your response to Martin Bros. protest no later than February 28. 2014.

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

Sincerely,

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

Attachments

Martin Brothers Construction

License No. 726454

8801 Folsom Blvd Suite 260
Sacramento, CA 95826

Office (916) 381-0911
Fax (916) 381-0611

Facsimile Transmittal Cover Letter

Date: February 20, 2014

Fax: (916)227-6282

Attention: Department of Transportation

Company: Office Engineer

Reference: 04-Nap-128-19.1 / 34.3 Contract No. 04-3E4004 Bid Date: 2.11.14

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Recycle

Comments:

Please find following Letter of Protest for above referenced project.

Sent Via Fax to (916)227-6282 and US Mail 2.20.14

From: Felipe Martin

Number of Pages (including cover page): 2

Martin Brothers Construction

Martin Brothers Construction

Via Facsimile & U.S. Postal Service

February 20, 2014

State of California - Department of Transportation
1727 30" Street, Bidder Exchange, MS 43
Sacramento, CA 95816-8041

Attn: Mr. John C. McMillan - Deputy Division Chief, Office Engineer

Re: Contract Number: 04-3E4004
In Napa County From Knoxville Road to Solano County Line
Bid Protest

Dear Mr. McMillan,

Please consider this letter to be a formal protest of the bid submitted by Chester Bross Construction Company (CBC), the apparent low bidder in connection with Contract No. 04-3E4004. Martin Brothers Construction is currently the second lowest bidder. The bid turned in by CBC is nonresponsive and therefore must be rejected based on the Departments bidding requirements and strict enforcement policies.

The bid submitted by CBC on bid day of 2/11/14 includes signed documents and bidders bond executed by Mike Bross on 2/11/14 in Marion County Missouri. The Notary acknowledgement dated 2/11/14 indicated the Mike Bross- Vice President personally appeared before the Missouri notary public on February 11, 2014. Unless evidence can be provided that the original documents were sent from Missouri on 2/11/14 and received in California on 2/11/14 prior to bid, the bid should be rejected and considered non responsive.

CBC's bid day Subcontractor Listing identified FMG Grinding Company work as " Grinding and Related" without identifying it as partial. On CBC's 24 hour Subcontract Listing submitted the day after bid, CBC reduced FMG's scope of work by listing them for item 14, Remove Asphalt Concrete Dike to 58% and item 15, Cold Plane Asphalt Concrete to 61% .

On numerous occasions including on Contract 03-3E1004, Caltrans has determined a bid nonresponsive for modifying the scope of work of a listed subcontractor on the next day Subcontract List form.

Given all of the above, Caltrans should find CBC's bid as nonresponsive and award Contract 04-3E4004 to Martin Brothers Construction, Inc. the lowest responsible bidder.

Please contact the undersigned, should you have any questions or comments.

Thank You

Felipe Martin
President/CEO

8801 Folsom Blvd, Ste 260, Sacramento, CA 95826 • phone 916 381-0911 • fax 916 381-0611