



**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 30<sup>th</sup> Street  
P.O. Box 168041  
Sacramento, CA 95816-8041

Attention: John C. McMillan - Office Engineer

Re: Contract Number 05-1A3404  
Bids Opened: January 14<sup>th</sup>, 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 Nos.	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



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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	\$802.14
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  
General Manager

Construction Services - CalPortland Construction