PK Construction

October 10, 2013

Department of Transportation

1727 30th Street

Sacramento , California 95816

Attention: John Mc Millian

Re: Contract 07-1W3204

Dear Mr. Mc Millian

With regards to the above referenced contract the Public Code Section 4106 states in part as follows.

Public Contract Code Section 4106 States in pertinent part:

"If a prime contractor fails to specify a subcontractor or if a prime contractor specifies more than one subcontractor for the same portion of work to be performed under the contract in excess of one-half of I percent of the prime contractors bid, the prime contractor agrees that he or she is fully qualified to perform that portion of work himself or herself, and that the prime contractor shall perform that portion himself or herself."

In addition to this section 4104 of the Public Code states the if the amount does not exceed 1% the sub-contractor does not have to be listed. The total subcontract in the case with the Crisp Company for striping is less than 1%. Public Code Section 4104 states the following:

Public Code 4104

4104. Any officer, department, board or commission taking bids for the construction of any public work or improvement shall provide in the specifications prepared for the work or improvement or in the general conditions under which bids will be received for the doing of

pl

the work incident to the public work or improvement that any person making a bid or offer to perform the work, shall, in his or her bid or offer, set forth:

(a) (1) The name and the location of the place of business of each subcontractor who will perform work or labor or render service to the prime contractor in or about the construction of the work or improvement, or a subcontractor licensed by the State of California who, under subcontract to the prime contractor, specially fabricates and installs a portion of the work or improvement according to detailed drawings contained in the plans and specifications, in an amount in excess of one-half of 1 percent of the prime contractor's total bid or, in the case of bids or offers for the construction of streets or highways, including bridges, in excess of one-half of 1 percent of the prime contractor's total bid or ten thousand dollars ($10,000), whichever is greater.

(2) (A) Subject to subparagraph (B), any information requested by the officer, department, board, or commission concerning any subcontractor who the prime contractor is required to list under this subdivision, other than the subcontractor's name and location of business, may be submitted by the prime contractor up to 24 hours after the deadline established by the officer, department, board, or commission for receipt of bids by prime contractors.

(B) A state or local agency may implement subparagraph (A) at its option.

(b) The portion of the work that will be done by each

PK

PK Construction

subcontractor under this act. The prime contractor shall list only one subcontractor for each portion as is defined by the prime contractor in his or her bid.

Please add the following to my prior information submitted with regards to this issue.

Zhan Paul King

07-1W3204

«PK Construction»

FAX TRANSMITTAL

DATE:	October 9, 2013		
TO:	John Mc Millian Department of Transportation	**FROM:**	Zhan Paul King
FAX:	(916) 227-6282	**FAX:**	(626)486-2158
TEL:	(916) 227-6299	**TEL:**	(626) 773-6963
CC:		**PAGES:**	20

COMMENTS:

Sub Contracting Listed as portion and partial has been accepted on a number of contracts why has this particular been rejected.

Enclosed are documents of prior bids the Department has accepted as responsive.
Explanation of our submission in letter form explain our bid documents.

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

Bidder Name: PK Construction

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
WEI Industries Inc		To Equal 5% Set	N/A DBVE Status Not Current
Pacific Electric	30		Partial Electrical / [illegible]
WEI Industries	17, 27, 3 32, 33	Portion Not less 5%	Electrical, Safety Equ Signs
Crisp Company Bloomington Ca	01, 15 30.		Striping
Maneri Traffic			Partial Traffic

DVBE

Stated 10/9/2013 Note by PK

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 write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

TH

PK Construction

Department of Transportation

October 9,2013

Office of Engineering

1727 30th Street MS -43

Att: John C. Mc Millian

Refference : Contract 07-1W3204

PK Construction submitted a bid for performing construction as per the plans and specifications for contract 07-1W3204. At the time of opening PK Construction was found to be the apparent low bidder.

PK Construction received a call from Caltrans on September 20,2013 ,in which the engineer ask a series of questions to confirm we were comfortable with the bid submitted. At which time I Zhan Paul King confirmed we had plan to perform the work as presented in our bid proposal.

As of today I had not received any response from the Department of Transportation an decided to give a call to the Awards Unit. At which time I learned our bid had been rejected for being none responsive.

The bid presented stated that Pacific Electric would perform Partial of Electrical. In addition WEI Industries would perform Portion but not less than 5% percent. The Crisp Company would perform less than the required amount to be list on the sub-contractor list so no amount was given.

PK Construction would like for the Department of Transportation to reconsider their position of stating we were non responsive. It has been a common practice to submit a bid with stating that a portion or partial item of work would be sub-contracted.

Please consider eight of your Departments most recent bid submission that have been accepted with the word portion /partial stated. In some cases some of the areas of column 3 on the form were blank.

Case 1	Contract	07-278304	(the word portion is used for my own Company)
Case 2	Contract	07-278804	(Contractor states less than 1% ,and blank on one)
Case 3	Contract	12-OL74U4	(Blank No Submission on percentage to be utilized)
Case 4	Contract	11-287704	(Blank No Submission on percentage to be utilized)
Case 5	Contract	08-OK5204	(Blank No Submission on percentage to be utilized)
Case 6	Contract	01-378164	(Blank No Submission on percentage to be utilized)

PK Construction

Case 7 Contract 01-378164 (Blank No Submission on the percentage to be utilized)

Case 8 Contract 11`-401404 (Blank No Submission on the percentage to be utilized)

Time would only allow me to retrieve a few cases, as the Department of Transportation has found bidders to be responsive with much less information than what PK Construction has provided.

It has been standard practice within your Department to accept the words written portion of partial and be deemed as being responsive.

In illustrating my case I point your attention to what I have identified as **Case 1,** PK Construction was listed to perform portion of the work on a Federal Project. See the above reference for contract numbers with all cases 1 to 8.

Case 2 the Contractor list subs and state a portion of the work will be performed and leaves column 3 blank.

Case 3 the Contractor states Partial of the Traffic will be subbed out.

Case 4 Contractor uses the term partial with referenced to how much work sub would perform.

Case 6 Contractor does not state the use of sub percentage

Case 8 Contractor states Partial with reference to the percentage.

The list continues, I ask that you please reconsider your decision to deem PK Construction as non-responsive when there are so many other proposals that have been accepted within the most recent history of the Department of Transportation.

PK Construction has performed a good faith in meeting the Departments most critical goals of DVBE participation. In addition we have the experience to perform the work, and have performed similar work in the same District.

In cases were a Contractor does not list a sub-contractor the setback would be to require the contractor to perform the work with his own forces. So I am really not understanding that PK Construction would be deemed as non-responsive for not including the numerical number of percentage for a particular sub contractor.

PK Construction

It has been accepted by the Department for a number of years to write portion or partial for work to be performed by subcontractor.

I protest the award of contract 07-1W3204 until the Department of Transportation has carefully reviewed my complaint. Upon review of the set goals for Caltrans to involve DBE and DVBE Contractors I ask that all the facts be considered and a decision be based upon those facts.

Ms. Smith has stated she plans to go forward with an award regardless of my complaint, but I would feel this would be out of the legal frame in which your Department has set in place. PK Construction request a carefully review of these materials prior to your deeming PK Construction non –responsive.

The letter dated October 7,2013 was faxed to me today ,and it states I have a right to protest two days after the bid by 4:00 pm. PK Construction had no reason to protest at that time it was understood to be accepted when I reviewed the online files a few days later 23rd September 2013.

Thank you for taking the time to review my concerns and I look forward to your reply.

PK Construction

Zhan Paul King

Case 1
Powel

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

Bidder Name: Powell Constructors, 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) 227-6282 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
ACL Chino Hills, CA			Barrier Rail (Portion)
American Steel Placers San Bernardino, CA			Reinforcing Steel (Portion)
Fiber Wrap Ontario, CA			Casing Wrapping (Portion)
Sierra Landscape Development Arcadia, CA			Landscape/Irrigation (Portion) Plastic Pipe (Portion)
Acorn Fence Company Sun Valley, CA			MBGR, Fence, Railing (Portion)
Hard Rock Equipment Corona, CA			Demo (Portion)
DSI Long Beach, CA			Prestress (Portion)

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 write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

K6

List was partial list of Subs
Case 1

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

Bidder Name: Future DB

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
PCI. striping & Sealcoat 1105 E. Hill St. Long Beach	1, 19, 21, 22 23, 24, 25 99, 100, 101, 102 103, 106, 105		Striping & Sealcoat
P.U.E.I Montclair, CA	106, 107, 108 109,		Electric, Communication system
PK Construction Altedina, CA	28, 36, 72 89, 95, 96		Construction, Concrete demolition
American Steel placers Inc. San Bernandino, CA	73, 79F, 80F 95F, 96		Reiforcing Bar steel (Bridge).
Bradley Tanks, Inc Danville, CA	42		Disposal of Z-2 ADL soil
Cindy Trump La Habra, CA	34		Coldplane Asphalt concrete pavement specializing in Asfalt Grinding
LSS - landscape support services inc. Sherman oaks, CA	12, 13, 14, 15 44, 45, 46, 47, 48, 49, 50, 51, 52, 53 54, 55, 56, 57 58, 59, 60, 61		Landscape support services
Arrow signs	3		Construction Area signs
Fiber wrap Ontario, CA	81F		Column casing
Old Castle Perris, CA	74, 75, 76		precast prestressed
SD inc, San Jose, CA	69		prestressing precast garder

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 write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

none

case 2

Grounds Not found to disqualifie

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

Bidder Name: GEO STRUC ENG'G.

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
Bithell, Inc. Covina, CA Tel: (626) 331-2292	24 (Partial)	Less than 1%	Painting
Cindy Trump, Inc. La Habra, CA Tel: (562) 697-2286	12	less than 1%	Cold planing
Hyper Electric Glendale, CA Tel: (818) 662-8009			Electrical work
Competitive Paving Riverside, CA Tel: (951) 300-0972	16	less than 1%	Asphalt

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 write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

TM

Contract No. 07-278804

Case 2

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

Bidder Name: Brutoco Eng. & Const., 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) 227-6282 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
Coral Construction Wilsonville, OR	24	9%	Sign Structure (portion)
Statewide Floors Canoga Park, CA	24	0.8%	Floor Covering (portion)
			(portion)
			(portion)
			(portion)

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 write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

Contract No. 07-278804
5

case 3

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

Bidder Name: Brutoco Eng. & Const., 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) 227-6282 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
Rutherford Company Los Angeles, CA 90039			Drywall (portion)
Hardy & Harper Santa Ana, CA			A.C. Paving (portion)
Westland ~~Heating &~~ Air Conditioning ~~Ontario~~, CA Circulating Air Lancaster, CA mm			H.V.A.C. (portion)
Bithell Covina, CA			Painting (portion)
Suttles Plumbing and Mechanical Northridge, CA			Plumbing (portion)

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 write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

TM

Case 2

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

Bidder Name: Brutoco Eng. & Const., 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) 227-6282 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
Twining Labs Long Beach, CA	4	50%	QA/QC (portion)
Western States Roofing Northridge, CA	24	2.7%	Roofing (portion)
Crawner Baldwin Park, CA	24	4.5%	Sheet Metal (portion)
PCI Long Beach, CA	9,10,11, 19,20,21, 22 & 23	100%	Striping (portion)
Full Traffic Maint. Corona, CA	3	82%	Traffic Control (portion)

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 write Records and Forms Management, 1120 N Street, MS-88, Sacramento, CA 95814.

Contract No. 07-278804

Case 2

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION

SUBCONTRACTOR LIST

DES-OE-0102.2 (REV 3/2011)

Bidder Name: Brutoco Eng. & Const., 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) 227-6282 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
Twining Labs Long Beach, CA			QA/QC (portion)
Western States Roofing Northridge, CA			Roofing (portion)
Crowner Baldwin Park, CA			Sheet Metal (portion)
PCI, Inc. Long Beach, CA			Striping (portion)
Full Traffic Maintenance Corona, CA			Traffic Control (portion)

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 write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

TM

case 7

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION

SUBCONTRACTOR LIST

DES-OE-0102.2 (REV 3/2011)

Bidder Name: Brutoco Eng. & Const., 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) 227-6282 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
Statewide Floors Canoga Park, CA			Floor Covering (portion)
Coral Construction Wilsonville, OR			Sign Structure (portion)
Lee Contractors & Consultants Nipomo, CA			Electrical (portion)
			(portion)
			(portion)

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 write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

TM

case 3

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION

SUBCONTRACTOR LIST

DES-OE-0102.2 (REV 3/2011)

Bidder Name: All American Asphalt

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
Maneri TC Fallbrook, CA			TRAFFIC CONTROL/Partial
Maneri TC Fallbrook, CA			C.A.S.
SRD, Anaheim, CA			STORM DRAIN
Harbor Company San Bernardino, CA			PCC GRINDING
Coral Construction Wilsonville, OR			OVERHEAD SIGNS
Penhall Anaheim, CA			JOINT SEAL
Alcorn Fence Anaheim, CA			MBGR

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 write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

DH

Case 4

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION

SUBCONTRACTOR LIST

DES-OE-0102.2 (REV 3/2011)

Bidder Name: Hearne Corporation

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
1)	BH ~~Dr. Demo~~ Fastdemo - Chula Vista			Selective Demoltion
2)	CCI - Escondido			Concrete & Rebar
3)	BH ~~Davis~~ - ~~La Mesa~~ BH El Cajon D.A. Whiticar			Rough Carpentry
4)	SW Millworks - SD			Casework
5)	C&I - Spring Valley			Roofing
6)	TCM - Escondido			Doors, Frames, & Hardware
7)	Tubbs - Escondido			Drywall & Metal Stud Framing
8)	BH ~~Acoustiworks~~ - Escondido Ceiling City			Acoustical Ceilings
9)	US Coatings - SD			Painting
10)	BH ~~Caster - Santee~~ Ahrens - San Diego			Plumbing
11)	RRL - SD			HVAC
12)	BH ~~Helfers - El Cajon~~ Precision - Lakeside			Electrical
13)	Janus - Vista			Hazmat
14)				
15)				
16)				

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 write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

nan

Case 5

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

Bidder Name: COFFMAN SPECIALTIES, 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) 227-6282 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
Statewide Traffic & Safety			Construction Area Signs
Nipomo, CA			
Carolino Traffic Control			Traffic Control And
National City, CA			Related (Partial)
Chrisp Company			Pavement Markings
Bloomington, CA			
Ferreira Construction			MBGR
Chino, CA			
Marina Landscape			Erosion Control/
Anaheim, CA			SWPPP
Service Construction			Seal Pavement Joints
Orange, CA			

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 write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

case 6

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

Bidder Name: Hubbard General 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
Prosseed Philo, CA	# 41 # 43 # 44 # 45 # 46 # 47 # 48		Erosion Control, Hydromulch, Fiber rolls, hydroseed, compost
Coral Construction Co. Wilsonville, OR	# 19 33		Treated Wood Waste Metal Guard Beam
West Coast Boring Bakersfield, CA			Boring

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 write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

467

Case 7

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

Bidder Name: Mendocino Construction Services 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) 227-6282 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
Force Traffic Control Exeter Calif			Traffic Control partial
Lanaway Construction Santa Rosa Calif			Structural Concrete Minor Concrete Rebar
Proseed Philo Calif			Erosion Control (permanent)
SHN Willits Calif			Biologist Water Quality Work Fish Protection Hydroacoustics Motoring.
Walter C Smith. Clovis Calif			Jack's Bore

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 write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

Vb

Case 8

Not Grounds to Dismiss

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION

SUBCONTRACTOR LIST

DES-OE-0102.2 (REV 3/2011)

Bidder Name: Flatiron West, 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) 227-6282 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
TJN ~~Flatiron Electric Group~~ Chino, CA			Electrical and Related (Partial) TJN
Select Electric Inc. Poway, CA			Electrical and Related (Partial)
TJN ~~PTS~~ Electric Inc. Anaheim, CA			Electrical and Related (Partial) TJN
			Electrical and Related (Partial) TJN

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 write Records and Forms Management, 1120 N Street, MS-89, Sacramento CA 95814.

K9

Case 10 & Not Grounds to Dismiss Bid

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

Bidder Name: Flatiron West, 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) 227-6282 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
TJN Cal Stripe, Inc. Colton, CA			Striping and Related (Partial) TJN
Payco Specialties Chula Vista, CA			Striping and Related (Partial)
TJN ~~Pacific Coast Markings~~ Phelan, CA			Striping and Related (Partial) TJN
			Striping and Related (Partial) TJN

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 write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

KG

«PK Construction»

07-1W3204

FAX TRANSMITTAL

DATE:	October 9, 2013		
TO:	John Mc Millian Department of Transportation	FROM:	Zhan Paul King
FAX:	(916) 227-6282	FAX:	(626)486-2158
TEL:	(916) 227-6299	TEL:	(626) 773-6963
CC:		PAGES:	20

COMMENTS:

Sub Contracting Listed as portion and partial has been accepted on a number of contracts why has this particular been rejected.

Enclosed are documents of prior bids the Department has accepted as responsive. Explanation of our submission in letter form explain our bid documents.

Please add Federal Contract 07-258934 to the list of contract awards made with similar wording.

10/10/13

? Case 9 Federal Job

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

Bidder Name: Powell Constructors, 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) 227-6282 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
~~Martinez Steel Claremont, CA~~ (MP)			~~Reinforcing Steel (Portion)~~ (MP)
? PK Construction Altadena, CA			Minor Structures (Portions)
VT Electric Upland, CA			Electrical (Portion)
Ace Fence Company La Puente, CA			Fence/MBGR (Portion)
Integrity Rebar Placers Perris, CA			Reinforcing Steel (Portion)
Sierra Landscape Developement Arcadia, CA			Irrigation/Planting/Topsoil (Portion)

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 write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

NOW

HP Officejet Pro 8600 N911a Series
STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
DES-OE-0102.2 (REV 3/2011)

Fax Log for
PK Construction
626 486-2158
Jan-00-00 00:00AM

Bidder Name: Powell Constructors, 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) 227-6282 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.

Last Transaction

Date	Time	Type	Column 1: Business Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Duration	Pages	Result
			Marina Landscape			Digital Fax Rock Blanket (Portion)		
Jan 00	00:00AM	Fax Sent	Anaheim, CA	19162276282		7:35 N/A	20	OK

?

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 write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION

CALTRANS BIDDER - DBE - COMMITMENT

DES-OE-0102.10B (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 Special Provisions. Failure to submit the required DBE information will be grounds for finding the proposal nonresponsive.

CONTRACT NO: 07-258934

BID AMOUNT: $ 8,650,388.50

BID OPENING DATE: 10/18/12

BIDDER'S NAME: [redacted] Inc. PK 10/10/13 Received.

DBE GOAL FROM CONTRACT, %: 14%

DBE PRIME CONTRACTOR CERTIFICATION[1]:

CONTRACT ITEM NO.	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED[2]	FOR CALTRANS USE ONLY	NAME OF DBEs (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[3]
78-81, 83-85, 87, 88	Fence, MBGR - Portion		Ace Fence Company - #34153 727 N. Glendora Ave La Puente, CA 91744	$156,025.00
			(626) 333-0727	
56	Minor Concrete (Minor Structures) - Portion		PK Construction - #40529 2502 El Sol Altadena, CA 91001	$77,580.00
			(626) 773-6963	
90-92	Electrical - Portion		VT Electric, Inc. - #30828 869 W. 9th Street Upland, CA 91786	$12,383.00
			(909) 985-1755	
			Total Claimed Participation	$ See Page 3 %

IMPORTANT: Identify all DBE firms being claimed for credit, regardless of tier. Names of the First Tier DBE Subcontractors and their respective items(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.

1. DBE prime contractors must enter their certification number and indicate all work to be performed by DBEs including work performed by its own forces.
2. If 100% of item is not to be performed or furnished by DBE, describe exact portion of item to be performed or furnished.
3. See Section titled "Disadvantaged Business Enterprises" in Section 2 "Bidding" of the special provisions to determine the credit allowed for DBE firms.

Signature of Bidder

10-23-12 Date

(909) 356-8880 (Area Code) Tel. No.

Paul Zolezzi Person to Contact (Please Type or Print)

Submit to:

MSC 43
OFFICE ENGINEER
DEPARTMENT OF TRANSPORTATION
1727 30TH STREET
SACRAMENTO, CA 95816-7006

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 write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

10-24-12 P01:25 RCVD

PK Construction

It has been accepted by the Department for a number of years to write portion or partial for work to be performed by subcontractor.

I protest the award of contract 07-1W3204 until the Department of Transportation has carefully reviewed my complaint. Upon review of the set goals for Caltrans to involve DBE and DVBE Contractors I ask that all the facts be considered and a decision be based upon those facts.

Ms. Smith has stated she plans to go forward with an award regardless of my complaint, but I would feel this would be out of the legal frame in which your Department has set in place. PK Construction request a carefully review of these materials prior to your deeming PK Construction non –responsive.

The letter dated October 7,2013 was faxed to me today ,and it states I have a right to protest two days after the bid by 4:00 pm. PK Construction had no reason to protest at that time it was understood to be accepted when I reviewed the online files a few days later 23rd September 2013.

Thank you for taking the time to review my concerns and I look forward to your reply.

PK Construction

Zhan Paul Yang

PK Construction

Case 7	Contract	01-378164	(Blank No Submission on the percentage to be utilized)
Case 8	Contract	11`-401404	(Blank No Submission on the percentage to be utilized)

Time would only allow me to retrieve a few cases, as the Department of Transportation has found bidders to be responsive with much less information than what PK Construction has provided.

It has been standard practice within your Department to accept the words written portion of partial and be deemed as being responsive.

In illustrating my case I point your attention to what I have identified as **Case 1**, PK Construction was listed to perform portion of the work on a Federal Project. See the above reference for contract numbers with all cases 1 to 8.

Case 2 the Contractor list subs and state a portion of the work will be performed and leaves column 3 blank.

Case 3 the Contractor states Partial of the Traffic will be subbed out.

Case 4 Contractor uses the term partial with referenced to how much work sub would perform.

Case 6 Contractor does not state the use of sub percentage

Case 8 Contractor states Partial with reference to the percentage.

The list continues, I ask that you please reconsider your decision to deem PK Construction as non-responsive when there are so many other proposals that have been accepted within the most recent history of the Department of Transportation.

PK Construction has performed a good faith in meeting the Departments most critical goals of DVBE participation. In addition we have the experience to perform the work, and have performed similar work in the same District.

In cases were a Contractor does not list a sub-contractor the setback would be to require the contractor to perform the work with his own forces. So I am really not understanding that PK Construction would be deemed as non-responsive for not including the numerical number of percentage for a particular sub contractor.

PK Construction

Department of Transportation

Office of Engineering

1727 30th Street MS -43

Att: John C. Mc Millian

Refference : Contract 07-1W3204

October 9,2013

PK Construction submitted a bid for performing construction as per the plans and specifications for contract 07-1W3204. At the time of opening PK Construction was found to be the apparent low bidder.

PK Construction received a call from Caltrans on September 20,2013 ,in which the engineer ask a series of questions to confirm we were comfortable with the bid submitted. At which time I Zhan Paul King confirmed we had plan to perform the work as presented in our bid proposal.

As of today I had not received any response from the Department of Transportation an decided to give a call to the Awards Unit. At which time I learned our bid had been rejected for being none responsive.

The bid presented stated that Pacific Electric would perform Partial of Electrical. In addition WEI Industries would perform Portion but not less than 5% percent. The Crisp Company would perform less than the required amount to be list on the sub-contractor list so no amount was given.

PK Construction would like for the Department of Transportation to reconsider their position of stating we were non responsive. It has been a common practice to submit a bid with stating that a portion or partial item of work would be sub-contracted.

Please consider eight of your Departments most recent bid submission that have been accepted with the word portion /partial stated. In some cases some of the areas of column 3 on the form were blank.

Case 1	Contract	07-278304	(the word portion is used for my own Company)
Case 2	Contract	07-278804	(Contractor states less than 1% ,and blank on one)
Case 3	Contract	12-OL74U4	(Blank No Submission on percentage to be utilized)
Case 4	Contract	11-287704	(Blank No Submission on percentage to be utilized)
Case 5	Contract	08-OK5204	(Blank No Submission on percentage to be utilized)
Case 6	Contract	01-378164	(Blank No Submission on percentage to be utilized)

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

Bidder Name: PK Construction

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
WEI Industries		To Equal 5% Set	N/A DBVE Status Not Current
Pacific Electric	30		Partial Electrical / Inst
WEI Industries	17, 27, 3, 32, 33	Portion Not less 5%	Electrical, Safety Equ Signs
Crisp Company Bloomington Ca	01, 15, 30.		Striping
Maneri Traffic			Partial Traffic

DVBE

Stated 10/9/2013 Note by PK

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 write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

TM