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**Southern California Regional Office**

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Via Facsimile (916) 227-6282

November 11, 2014

State Of California  
Department Of Transportation  
1727 30<sup>th</sup> Street, Bidder Exchange, MS 43  
Sacramento CA 95816-8041

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

Re: Contract No. 07-274804  
Route 18, County Line Overhead Deck Replacement, Llano, CA  
BID PROTEST

Gentlemen:

Please consider this letter to be a formal protest of the bid submitted by Yhanag Realty And Development Corporation DBA D'Yhanag Construction Company (DYCC), the apparent low bidder in connection with Contract No. 07-274804. MCM Construction, Inc. is currently the second lowest bidder.

OMITTED DBE CONFIRMATION

DYCC did not comply with Special Provision Section 2-1.12B(2) of the 2010 Standard Specifications by failing to submit written confirmation (such as a quotation) from each DBE shown on the DBE Commitment form by 4:00 pm on the 4<sup>th</sup> business day after bid opening.

Caltrans has always found bids non-responsive on this basis including recently on Contract 02-4B90U4 by Caltrans letter dated October 28, 2014, a copy of which is attached.

FAILURE TO LIST SSPC-QP1 CERTIFIED SUBCONTRACTOR

Please be advised that, since DYCC did not list a subcontractor for the cleaning and painting portion of Item 54, Column Casing, the value of which is significantly greater than \$10,000, DYCC must self-perform the cleaning and painting work except for the fact that DYCC is not SSPC-QP1 certified as required. Accordingly, DYCC cannot perform a portion of the contract work and, consequently, their bid should be found nonresponsive.

Per the Subcontractor List instructions, the bidder shall list any subcontractor performing work in an amount in excess of one-half of 1 percent of the prime contractor's total bid or \$10,000, whichever is greater. The greater amount, in the case of DYCC's bid, is \$10,000. Attached for your information is a

Page Two  
John McMillan, Deputy Division Chief  
State Of California, Department Of Transportation  
November 11, 2014

Re: Bid Protest

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copy of the lowest bid day field painting subcontractor price from Murphy Industrial Coatings, Inc. in the amount of \$25,988 which exceeds \$10,000 and, therefore, requires listing of this work, if subcontracted. For your information, we also received another quotation from Techno Coatings in the amount of \$53,000 for this work. (See attached for copies of field painting quotations).

Reference is also made to Special Provision Section 55-2 which requires submitting proof of certification complying with SSPC-QP1. Additionally, reference is made to Special Provision Section 8-1.04C which states "*Do not start job site activities until the Department authorizes or accepts your submittals for: .... 3. SSPC QP certifications*".

The Society For Protective Coatings (SSPC) website ([www.sspc.org](http://www.sspc.org)) provides for a search of all certified contractors. QP1 certification searches on the SSPC website for Ybanag Realty And Development or D'Ybanag Construction yield no results. Attached, find printed screen shots of those searches including the search for Murphy Industrial Coatings which is QP1 certified.

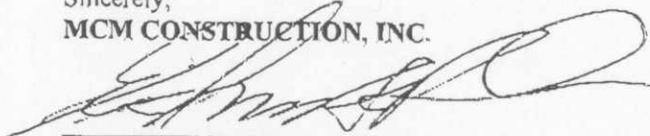
In summary regarding the field painting work:

- 1) The field painting work, if subcontracted, must be listed given that the value is greater than \$10,000.
- 2) DYCC did not list a field painting subcontractor.
- 3) DYCC cannot subcontract the field painting work because the value is in excess of \$10,000.
- 4) The field painting work can only be performed by a SSPC-QP1 certified contractor.
- 5) DYCC is not SSPC-QP1 certified.
- 6) DYCC cannot perform the field painting of the steel column casings.
- 7) DYCC cannot perform the Contract.

Given all the above, Caltrans should find DYCC's bid nonresponsive and award Contract 07-274804 to MCM Construction, Inc. the lowest responsive bidder.

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

Sincerely,  
**MCM CONSTRUCTION, INC.**



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Edmundo A. Puchi  
General Counsel & Treasurer

/rm

Enclosure

Cc: JAC, HDM, RM  
Bid File

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 07-274804 Project ID: 0700000516

*in bid book*

Bidder Name: Ybansg Realty and Development Corporation Bidder ID: VC1500001322

CALTRANS BIDDER - DBE - COMMITMENT

DES-OE-0102.IUC (NEW 6/2012)

# ~~Low Bidder~~

BID AMOUNT: 1,875,330.00

BID OPENING DATE: 10-30-14

DBE PRIME CONTRACTOR CERTIFICATION:

IMPORTANT: Identify all DBE firms being claimed for credit, regardless of tier. Names of the First Tier DBE Subcontractors and their respective item(s) of work listed must be consistent, where applicable, with the names and items of work in the Subcontractor List. 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.

Total Claimed Participation \$ 327,547.00  
\* 16.00

Person to Contact : Lucio S Collado  
(Area Code) Tel.No. : (951)657 7144

*"No DBE sub quotes included per DBE Commitment submittal provided on Caltrans website."*

*- HCM*

Signature of Bidder

Date

## STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 07-274804 Project ID: 0700000516

Bidder Name: Ybanag Realty and Development Corporation Bidder ID: VC1500001322

CALTRANS BIDDER - DBE - COMMITMENT

DES-OE-0102.10C (NEW 6/2012)

## Bid Item No.

40,42,50,51,63

Item of work and description of services to be subcontracted or materials to be provided.

Place Rebar and Concrete

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)

Integrity Rebar Placers DBE#34785

Perris, Ca

9516966843

Dollar amount DBE 238,943.00

## Bid Item No.

14,18,19,20,64,65,66

Item of work and description of services to be subcontracted or materials to be provided.

Striping and Pavement Marking

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)

PCM

Phelan Ca

760 868 3400

Dollar amount DBE 11,606.00

## Bid Item No.

9,10,11,12,24 (Partial)

Item of work and description of services to be subcontracted or materials to be provided.

Supply of Materials

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)

USC Supply

Auburn, Ca

5302731639

Dollar amount DBE 76,998.00

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION  
Contract No.: 07-274804 Project ID: 0700000516  
Bidder Name: Ybanag Realty and Development Corporation Bidder ID: VC1500001322  
CALTRANS BIDDER - DBE - COMMITMENT  
DES-OE-0102.10C (NEW 6/2012)

Bid Item No.

Item of work and description of services to be subcontracted or materials to be provided.

FOR CALTRANS USE ONLY

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Dollar amount DBE

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CALTRANS BIDDER - DBE - COMMITMENT  
DES-OE-0102.10C (NEW 6/2012)

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Dollar amount DBE

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr. Governor

**DEPARTMENT OF TRANSPORTATION**  
 DIVISION OF ENGINEERING SERVICES  
 OFFICE ENGINEER  
 P.O. BOX 168041, MS-43  
 SACRAMENTO, CA 95816-8041  
 PHONE (916) 227-6299  
 FAX (916) 227-6282  
 TTY 711  
 www.doT.ca.gov



*Serious drought.  
 Help save water!*

October 28, 2014

Facsimile: (530) 223-3879

Corkey Harmon, President  
 Stimpel-Wiebelhaus Associates, Inc.  
 Post Office Box 492335  
 Redding, CA 96049

02-4E90U4  
 02-Teh-32-5.1/6.3  
 B.O. 10/15/14

Dear Mr. Harmon:

The Department of Transportation (Caltrans) received a bid submitted by Stimpel-Wiebelhaus Associates, Inc. (Stimpel-Wiebelhaus) for Contract No. 02-4E90U4 on October 15, 2014. By this letter, Caltrans notifies Stimpel-Wiebelhaus that its bid is nonresponsive since Stimpel-Wiebelhaus did not comply with Contract Special Provisions, Section 2-1.12B (2) of the 2010 Standard Specifications which states in part:

*"Submit written confirmation from each DBE shown on the form stating that it will be participating in the Contract. Include confirmation with the DBE commitment form. A copy of a DBE's quote will serve as a written confirmation that the DBE will be participating in the contract. If you do not submit the DBE commitment form by the specified time, your bid is nonresponsive."*

Stimpel-Wiebelhaus failed to submit written confirmation from each DBE shown on the DBE Commitment form by 4:00 p.m. on the 4th business day after bid opening.

Based on the above, Caltrans will proceed to award this contract to the lowest responsible bidder, provided that all requirements have been met.

Your attention is directed to Section 3-1.04 of the 2010 Standard Specifications. Caltrans is not obligated to offer an extension of the award period for a nonresponsive bid. Should you wish to extend your bid while resolving a nonresponsive finding, you must send your request to the Office Engineer no later than 4:00 p.m., two business days prior to the expiration of your bid.

If you have any questions, please contact Molly Yumikura, Contract Awards Analyst, at (916) 227-6296.

Sincerely,

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



**CORPORATE OFFICE**  
2704 Gundry Avenue, Signal Hill, California 90756-1811  
(582) 427-7720 Fax (562) 428-8751  
www.murphy.co

**SOUTHWESTERN OFFICE**  
50-B West Hoover Avenue, Mesa, Arizona 85210  
(480) 981-0185 Fax (480) 981-1567

October 30, 2014

MCM Construction, Inc

Attention: Richard McCall

Reference: Caltrans 07-274804

Subject: Scope of Work - Field Painting of Column Casings

The Following Scope Of Work Is For The Caltrans Project 07-274804

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit Price</u>
52	Asphalt Membrane Waterproofing	340	\$ 7.00
54	Column Casing (Field Painting only)	29,200 LB	\$ 0.89

Price  
\$ 2,380  
\$ 25,988

**TOTAL PRICE:**

**\$ 28,368**

**Excludes:**

1. Traffic Control.
2. Manlifts

Subcontractors Listed Information:

California License No. 310594, Type C-33 (Exp. 10/31/16)  
Labor: Union. Bondable. California SBE No. 1008397.  
SSPC QP 1 & 2

Please call me if you have any questions concerning the above quote.  
**MURPHY INDUSTRIAL COATINGS, INC.**

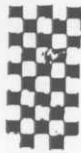
Tom Hutchinson,  
Project Manager



American Subcontractors Association



RECEIVED TIME OCT. 30. 7:26AM



# Techno Coatings

Painting/Coatings/Blowing MAINTENANCE - PETRO CHEMICAL - TANKS - FOOD PLANTS  
POWER GENERATION - INDUSTRIAL - OFFSHORE - RESTORATION - HOTELS - OFFICES

CALIF. LIC. NO. 858817  
NEVADA LIC. NO. 13689

1391 ALLRC STREET - ANAHEIM, CALIFORNIA 92808 - (714) 838-1120 - FAX (714) 835-8367

Date October 27, 2014

Attention: Estimating Department  
Reference: Cal-Trans #07-274804

Subject: Paint Column Casing & Asphalt Membrane Waterproofing

Techno Coatings Inc. (TCI) an SSPC QP-1, QP-2 and QP-3 Certified Union Contractor, proposes to perform:

Bid Item #52(F) Asphalt Membrane Waterproofing

340 SQ Ft  $\times \sim \$10/SF = \$3,400$

Bid Item #54(F) Column Casing (29,200 lbs)  $\approx \$56,380 - 3400 = 52,980$

Price includes all Cal-Trans Testing

2 Move-Ins

Total Lump Sum \$56,380.00

**Excluded Items:**

1. OSHA Approved Access
2. OSHA Approved Scaffold
3. OSHA Approved Containment
4. Vehicle Traffic Control
5. Marine Traffic Control
6. Railroad Traffic Control
7. Railroad Flagging
8. Shop Prime Inorganic zinc PIH<7

Thank you for the opportunity to submit the proposal to you. If you have any questions, please feel free to contact me at your convenience. (714) 337-2209.

Very truly yours,  
Techno Coatings, Inc.

Tom Puett  
N.A.C.E. Coating Inspector Level 3-Certified  
CIP Certification #7993



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- QP 5 Application
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- QN 1 Application

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CAS for QP1 Contractors

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QP1/QP2 and QP3 Job Notification Form

QP5 Job Notification Form

CAP Form

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- Who requires QP Certification?
- What is the certification process?
- Does it cost anything to specify a QP contractor?
- Are there certified contractors near to me?

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QP  QP1

Company Name

City

State/Province

Country

Zip

Company Name

City

Smtn

Options

No records found

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QP1

Ybenag Realty

Select State

United States

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- AA
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Country

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 AB  
 AE  
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 AL  
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Company Name	City	State	Options
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