

GENERAL CONTRACTOR
LICENSE NO. 118307 A C12
FAX: 818.362.9300

SECURITY PAVING COMPANY, INC.

13170 TELFAIR AVENUE
SYLMAR, CA 91342
TEL. 818.362.9200

October 28, 2014

State of California, Department of Transportation
Division of Engineering Services
Office Engineer, MS 43
1727 30th Street
P.O. Box 168041
Sacramento, CA 95816

Attention: John McMillan, Deputy Division Chief

Re: **Bid Protest by Security Paving Company, Inc. to Award of Contract to Flatiron West, Inc.**
Contract No. 07-2881U4
Bids Opened: October 16, 2014
Lowest Responsive Bidder: Security Paving Company, Inc.
Non-Responsive Bidder: Flatiron West, Inc.

Dear Mr. McMillan:

Pursuant to the bid protest procedures established by the State of California, Department of Transportation ("Caltrans"), as well as the California Public Contract Code, please accept this letter as Security Paving Company, Inc.'s ("Security Paving") formal protest of the bid submitted by Flatiron West, Inc. ("Flatiron") for Caltrans Contract No. 07-2881U4 (the "Contract"). Flatiron's bid violates the Subletting and Subcontracting Fair Practices Act, California Public Contract Code section 4100 et. seq., (the "Act") and must be rejected as non-responsive. As demonstrated below, Flatiron's bid fails to comply with the mandatory requirements for subcontractor listing established by the Act and Caltrans' bidding requirements.

Flatiron's bid day and twenty-four hour subcontractor listings are materially inconsistent. In its twenty-four hour subcontractor submittal, Flatiron included additional scope of work to be performed by subcontractors that was not previously identified in its bid day subcontractor submittal. By changing the scope of work to be performed by subcontractors, Flatiron has obtained an unfair competitive advantage over other bidders and, therefore, its bid must be rejected as non-responsive. Additionally, Flatiron's DBE Commitment form lists first tier DBE subcontractors that were not identified on bid day. Flatiron's DBE Commitment form is not consistent with the subcontractors listed on bid day and violates Caltrans' instructions to bidders.

Security Paving respectfully requests that Caltrans award the above-referenced Contract to Security Paving as the lowest *responsive*, responsible bidder.

A. Subcontractor Listing Requirements

California Public Contract Code, section, 4104 states that public project specifications or general bidding conditions for highway projects must require persons making bids to set forth the names and locations of subcontractors which will perform work in excess of one-half of one percent one-half of the prime

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contractor's total bid or ten thousand dollars, whichever is greater. The bidding contractor must also set forth the portion of the work which will be done by each subcontractor. The prime contractor may list only one subcontractor for each portion as is defined in his or her bid.

Caltrans' Subcontractor List form further provides the following requirements of bidders:

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.

Neither the Act, nor Caltrans' Subcontractor list form, permits a contractor to alter the initially subcontracted scope of work between the "Bid Day" Subcontractor List and the "24 Hour" Subcontractor Submittal. Similarly, Caltrans' DBE Commitment form requires a bidder's listing of First Tier DBE Subcontractors to be consistent with the Bid Day Subcontractor List. The instructions on Caltrans' Subcontractor listing form, as well as the DBE Commitment form, are an essential and material part of the bid documents and a failure to comply with the instructions renders a bid non-responsive. Caltrans is required to follow its own rules when it has a ministerial duty to do so. (See *Pozar v. Dept. of Transportation*, 145 Cal.App.3d 269 (1983) (holding that Caltrans was required to follow its published procedure for resolving discrepancies in bid figures)).

Flatiron failed to properly submit its Subcontractor List and therefore its bid must be rejected.

B. Flatiron's Inconsistent Subcontractor Lists

Flatiron submitted its Subcontractor List with its bid. As required by Caltrans' instructions, Flatiron completed columns 1 and 4 by providing the name, location and description of the work to be performed by the identified subcontractor ("Bid Day Submittal")¹. After bid opening, Flatiron completed columns 2 and 3 as required by Caltrans and submitted the additional subcontractor information by including the bid numbers and percentages for each listed subcontractor ("24 Hour Submittal")². A bidder is not permitted to make changes with respect to subcontractors or their scopes of work as part of the 24 Hour Submittal. Any changes violates the Act. Further, Caltrans has consistently held on prior bids and contract awards that no revisions are permitted to the Subcontractor List as part of the 24 Hour Submittal.

Flatiron's 24 Hour Submittal included additional scope of work to be performed by subcontractors that was not previously identified in its Bid Day Submittal.

1. American Civil Constructors West Coast, Inc.

In its Bid Day Submittal, Flatiron listed American Civil Constructors West Coast, Inc. ("American Civil") as a subcontractor. Flatiron identified and committed the following scopes of work to American Civil in its

¹ Flatiron's Bid Day Submittal is attached as Exhibit A.

² Flatiron's 24 Hour Submittal is attached as Exhibit B.

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Bid Day Submittal: "Bridge Deck Repair and Related (Partial)." In its 24 Hour Submittal, Flatiron disclosed that American Civil would be performing work as to Bid Items 29, 56, 58, 59, and 111. The scope of work associated with Bid Item 111 is High Friction Surface Treatment. The scope of work associated with High Friction Surface Treatment is not part of the "bridge deck repair" as identified by Flatiron in its Bid Day Submittal. High Friction Surface Treatment is to be applied to the W/B 210 Connector and the E/B 210 Connector. The High Friction Surface Treatment is applied to the existing roadway surface. Further, High Friction Surface Treatment is not "related" to the scope of work encompassed by the other bid items identified for American Civil, Bid Items 29, 56, 58 or 59. Bid Items 29, 56, 58 and 59 each relate to work that can be classified as "Bridge Deck Repair" throughout the other portions of the project, not the E/B and W/B Connectors. Bid Item 111 - High Friction Surface Treatment is outside the category of the work identified on the Bid Day Submittal.³

Flatiron has changed the scope of work to be performed by American Civil in its 24 Hour Submittal by adding Bid Item 111. Such a revision is not permitted and Flatiron's bid is non-responsive and must be rejected.

2. Morales Contracting Service

In its Bid Day Submittal Flatiron also listed Morales Contracting Services ("MCS") as a subcontractor. Flatiron identified and committed the following scopes of work to MCS in its Bid Day Submittal: "PCC Saw and Seal and Related (Partial)." In its 24 Hour Submittal, Flatiron disclosed that MCS would be performing work as to Bid Items 45, 121, 123, 124, 125, and 229. The scope of work associated with Bid Item 45 is Remove Concrete Pavement. The scope of work associated with "remove concrete pavement" is not part of the "PCC Saw and Seal" work identified by Flatiron in its Bid Day Submittal for MCS. Once again, Flatiron has increased the scope of work to be performed by MCS and such a revision is not permitted. Further, Bid Item 45 is not "related" to the other bid items of work to be performed by MCS as listed on Flatiron's 24 Hour Submittal.

The foregoing assessment of the added scope of work by Flatiron is consistent with other bids that identified MCS as a subcontractor. The bid submitted by the third lowest bidder, Chumo Construction, Inc. ("Chumo") also lists MCS as a subcontractor. Similar to Flatiron, the portion of work committed to MCS by Chumo in its bid day submission is described as: "saw and seal pavement joints and isolation joints." Consistent with its bid day submission, Chumo's post-bid submission identifies that MCS would perform Bid Items 123, 125, and 129, which all relate to sawing and sealing pavement and isolation joints.⁴ "Remove Concrete Pavement" is not related to sawing and sealing and is not included by Chumo as part of MCS' scope of work.

Just like other bidders, Flatiron did not identify in its Bid Day Submittal that MCS would perform work related to Bid Item 45 - Remove Concrete Pavement. Unlike other bidders, Flatiron changed the scope

³ Copies of the relevant plan sheets and roadway quantities relating to High Friction surface Treatment are attached as Exhibit C.

⁴ Copies of relevant pages from Chumo's bid day and 24 hour submittals are attached as Exhibit D.

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of work assigned to MCS in its 24 Hour Submittal to add Bid Item 45. The change by Flatiron is not permitted and Flatiron's bid is non-responsive and must be rejected.

C. Flatiron's Defect Cannot Be Waived

Flatiron made impermissible, material changes to the Subcontractor List form that renders its bid non-responsive. Bid defects cannot be waived if they could have affected the amount of the bid or if they resulted in a bidder having an unfair advantage. The purpose of the Act is to ensure that the integrity of

a subcontractor's bid stands throughout the bidding process. In other words, the purpose is to provide fair, competitive bidding and to prevent bid shopping and bid peddling after submission of the bids. If Flatiron is permitted to change the scope of work assigned to subcontractors after its Bid Day Submittal, then the purpose of the Act has been disregarded. Allowing Flatiron the opportunity to refine a subcontractor listing post-bid is an advantage that was not afforded to other bidders. This is precisely why California law precludes waiver of the defect in Flatiron's bid.

Caltrans has consistently rejected bids where, like Flatiron, the bidder has altered a subcontractor scope of work in its post-bid submission. Caltrans has strictly enforced its subcontractor listing requirements in the past. Caltrans has rejected bids by Security Paving on this basis in the past. On a bid submitted by Security Paving on Contract No. 11-406704, Caltrans determined that Security Paving's bid was non-responsive because Security Paving included Bid Items in column 2 of its post-bid submittal which did not match the description given in column 4 of Security Paving's bid day submittal. In that instance, Caltrans did not afford Security Paving the opportunity to self-perform the work. Flatiron was the protesting bidder in that instance.

Caltrans also recently determined that a bid by Flatiron, Contract No. 04-235624, was non-responsive because Flatiron included bid items in column 2, post-bid, which did not match the description provided by Flatiron in column 4 on bid day. In that instance, similar to what occurred in this bid, Flatiron increased the scope of work. In finding the bid non-responsive, Caltrans stated as follows:

Caltrans finds that the inclusion of the additional items after submission of the bid, which changes the scope of work listed on bid day, is a violation of the bidding instructions as well as the Public Contract Code.

The same rules apply to this contract. Flatiron changed the scope of work that was listed on bid day, violating Caltrans' bidding instructions and the Act. Flatiron's bid is non-responsive and must be rejected.

D. Flatiron Failed to List DBE Subcontractors In Its Bid Day Submittal

In addition to adding scope of work to be performed by subcontractors, Flatiron also included subcontractors on its DBE Commitment form that were not in its Bid Day Submittal. By not listing First Tier DBE Subcontractors in its Bid Day Submittal, and later adding them to the DBE

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Commitment form, Flatiron has violated the specifications and Caltrans' instructions to bidders. The Caltrans instruction on the DBE Commitment form for states, in relevant part, as follows:

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

Flatiron's DBE Commitment form lists the following First Tier DBE Subcontractors that were not listed in its Bid Day Submittal⁵:

1. CGO Construction Company, Inc.;
2. Landscape Support Services, Inc.;
3. J. Francis Co. Inc.; and
4. A.C. Dike Co.

Accordingly, the First Tier DBE Subcontractor's listed by Flatiron on the DBE Commitment form is ***not consistent with*** the subcontractors identified on bid day. Flatiron has included additional subcontractors, has violated Caltrans' instructions to bidders, and its bid should be rejected as non-responsive. As set forth above, by submitting inconsistent lists, Flatiron has obtained an unfair advantage over other bidders. Accordingly, the defect cannot be waived.

E. Conclusion

The Act was intended to prevent bid shopping and bid peddling. Revising the Subcontractor List post-bid, as Flatiron has done in this instance, is a clear violation of the purpose and intent of the Act. Each bidder would like the opportunity that Flatiron had, post-bid, and after seeing the bids and subcontractor lists of all bidders, to alter the subcontracted scope of work. Caltrans has consistently determined that this practice violates Caltrans' bidding instructions as well as the Act. It also creates an unfair advantage over other bidders and, therefore, cannot be waived. To further compound the problem, Flatiron's DBE Commitment form is not consistent with its Bid Day Submittal and includes subcontractors not previously listed.

Consistent with prior determinations, Caltrans' bidding instructions, and the Act, Security Paving respectfully asserts that Caltrans should find Flatiron's bid to be non-responsive, disqualify Flatiron's bid on that basis, and award Contract No. 07-2881U4 to Security Paving, the lowest ***responsive***, responsible bidder.

⁵ Flatiron's DBE Commitment form is attached as Exhibit E.

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**SECURITY
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COMPANY, INC.**

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If you have any questions regarding the foregoing, please do not hesitate to contact the undersigned.

Very truly,



Joseph Ferndino, Vice President
Security Paving Company, Inc.

As Submitted w/ Bid

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
Contract No.: 07-2881U4 Project ID: 0714000085
Bidder Name: Flatiron West, Inc.
SUBCONTRACTOR LIST
DPS-OE-0102.2B (REV 5/2014)

Bidder ID: VC0000003877

Bidding Firm: Flatiron West, Inc.

Under Public Contract Code 4100 et seq., the Bidder must set forth in the bid the name, the location of the place of business, the California contractor license number, and the portion of work 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 ten thousand dollars (\$10,000), whichever is greater.

The Bidder must submit within 24 hours of the bid opening the bid item numbers with percentages of the portion of work subcontracted.

a Not required on contracts with Federal-Aid.

List this sub? Yes

1) Business Name Hardy & Harper, Inc.
Location City Santa Ana State CA
California Contractor License Number (a) 215952
Description of Portion of Work
Asphalt Paving and Related (Partial)
Bid Item Numbers

Percentage of Bid Item Subcontracted

EXHIBIT A

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 07-2881U4 Project ID: 0714000085

Bidder Name: Flatiron West, Inc.

Bidder ID: VC0000003877

List this sub? Yes

2) Business Name Integrity Rebar Placers

Location City Perris State CA

California Contractor License Number (a) 533729

Description of Portion of Work

Reinforcing Steel and Related (Partial)

Bid Item Numbers

Percentage of Bid Item Subcontracted

List this sub? Yes

3) Business Name Griffith Company

Location City Santa Fe Springs State CA

California Contractor License Number (a) 88

Description of Portion of Work

Concrete Channel Lining and Slope Paving and Related (Partial)

Bid Item Numbers

Percentage of Bid Item Subcontracted

EXHIBIT A

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 07-2881U4 Project ID: 0714000085

Bidder Name: Flatiron West, Inc.

Bidder ID: VC0000003877

List this sub? Yes

4) Business Name Gerco Contractors, Inc.

Location City Auburn State CA

California Contractor License Number (a) 734353

Description of Portion of Work

Overhead Signs and Related (Partial)

Bid Item Numbers

Percentage of Bid Item Subcontracted

List this sub? Yes

5) Business Name American Civil Constructors West Coast Inc.

Location City Benicia State CA

California Contractor License Number (a) 526319

Description of Portion of Work

Bridge Deck Repair and Related (Partial)

Bid Item Numbers

Percentage of Bid Item Subcontracted

EXHIBIT A

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 07-2881U4 Project ID: 0714000085

Bidder Name: Flatiron West, Inc.

Bidder ID: VC0000003877

List this sub? Yes

6) Business Name: Crown Fence Company
Location City: Santa Fe Springs State: CA
California Contractor License Number (a): 1315
Description of Portion of Work
Fencing, Guardrail and Railing and Related (Partial)
Bid Item Numbers

Percentage of Bid Item Subcontracted

List this sub? Yes

7) Business Name: Cooper Engineering Incorporated
Location City: Corona State: CA
California Contractor License Number (a): 560506
Description of Portion of Work
Roadway Concrete Barrier and Related (Partial)
Bid Item Numbers

Percentage of Bid Item Subcontracted

EXHIBIT A

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 07-2881U4 Project ID: 0714000085

Bidder Name: Flatiron West, Inc.

Bidder ID: VC0000003877

List this sub? Yes

8) Business Name Sterndahl Enterprises
Location City Sun Valley State CA
California Contractor License Number (a) 421823

Description of Portion of Work

Striping and Related (Partial)

Bid Item Numbers

Percentage of Bid Item Subcontracted

List this sub? Yes

9) Business Name Flatiron Electric Group, Inc.

Location City Chino State CA

California Contractor License Number (a) 862724

Description of Portion of Work

Electrical and Related (Partial)

Bid Item Numbers

Percentage of Bid Item Subcontracted

EXHIBIT A

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 07-2881U4 Project ID: 0714000085

Bidder Name: Flatiron West, Inc.

Bidder ID: VC0000003877

List this sub? Yes

10) Business Name Griffith Company
Location City Santa Fe Springs State CA
California Contractor License Number (a) 88
Description of Portion of Work
Minor Concrete and Related (Partial)
Bid Item Numbers

Percentage of Bid Item Subcontracted

List this sub? Yes

11) Business Name Morales Contracting Services
Location City Baldwin Park State CA
California Contractor License Number (a) 700464
Description of Portion of Work
PCC Saw and Seal and Related (Partial)
Bid Item Numbers

Percentage of Bid Item Subcontracted

EXHIBIT A

Received

Oct 17 2014 12:52pm

*24 Hour
Submitted*

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
Contract No.: 07-2881U4 Project ID: 0714000065
Bidder Name: Flatiron West, Inc.
SUBCONTRACTOR LIST
DES-OE-0102.2B (REV 5/2014)

Bidder ID: VC0000003877

Bidding Firm: Flatiron West, Inc.

Under Public Contract Code S 4100 et seq., the Bidder must set forth in the bid the name, the location of the place of business, the California contractor license number, and the portion of work 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 ten thousand dollars (\$10,000), whichever is greater.

The Bidder must submit within 24 hours of the bid opening the bid item numbers with percentages of the portion of work subcontracted.

a Not required on contracts with Federal-Aid.

List this sub? Yes

1) Business Name: Hardy & Harper, Inc.
Location: City Santa Ana State CA
California Contractor License Number (a) 215952
Description of Portion of Work
Asphalt Paving and Related (Partial)
Bid Item Numbers
112, 113, 114, 227
Percentage of Bid Item Subcontracted
99%, 99%, 99%, 99%

Bid Item Numbers

Percentage of Bid Item Subcontracted

Bid Item Numbers

Percentage of Bid Item Subcontracted

Bid Item Numbers

Percentage of Bid Item Subcontracted

Bid Item Numbers

EXHIBIT B

Received

Oct 17 2014 12:52pm

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 07-2881U4 Project ID: 0714000085

Bidder Name: Flatiron West, Inc.

Bidder ID: VC0000003877

List this sub? Yes

2) Business Name Integrity Rebar Placers
Location City Perris State CA
California Contractor License Number (a) 533729
Description of Portion of Work

Reinforcing Steel and Related (Partial)

Bid Item Numbers
131, 133, 140, 141, 185, 205, 224
Percentage of Bid Item Subcontracted
36%, 9%, 99%, 99%, 16%, 36%, 1%

Percentage of Bid Item Subcontracted

Bid Item Numbers

Percentage of Bid Item Subcontracted

Bid Item Numbers

Percentage of Bid Item Subcontracted

Bid Item Numbers

Percentage of Bid Item Subcontracted

List this sub? Yes

3) Business Name Griffith Company
Location City Santa Fe Springs State CA
California Contractor License Number (a) 88
Description of Portion of Work

Concrete Channel Lining and Slope Paving and Related (Partial)

Bid Item Numbers
170, 171
Percentage of Bid Item Subcontracted
82%, 95%

Percentage of Bid Item Subcontracted

Bid Item Numbers

Percentage of Bid Item Subcontracted

Bid Item Numbers

Percentage of Bid Item Subcontracted

Bid Item Numbers

Percentage of Bid Item Subcontracted

EXHIBIT B

Received

Oct 17 2014 12:53pm

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 07-2001U4 Project ID: 0714000085

Bidder Name: Flatiron West, Inc.

Bidder ID: VC0000003877

List this sub? Yes

4) Business Name Gerco Contractors, Inc.
Location City Auburn State CA
California Contractor License Number (a) 734353
Description of Portion of Work

Overhead Signs and Related (Partial)

Bid Item Numbers

41, 127, 142, 143, 144, 145, 154

Percentage of Bid Item Subcontracted

99%, 76%, 99%, 69%, 99%, 99%, 99%

Bid Item Numbers

Percentage of Bid Item Subcontracted

List this sub? Yes

5) Business Name American Civil Constructors West Coast Inc. #111
Location City Benicia State CA
California Contractor License Number (a) 526319
Description of Portion of Work

Bridge Deck Repair and Related (Partial)

Bid Item Numbers

29, 56, 58, 59, 111

Percentage of Bid Item Subcontracted

99%, 83%, 92%, 92%, 90%

Bid Item Numbers

Percentage of Bid Item Subcontracted

Added work
#111 High Friction Surface Treatment
Not part of Deck Repair
This is applied to the WB 210 Connector & the EB 210 Connector.
Applied to existing roadway surface.
#56-58 ave for existing bridge decks.

EXHIBIT B

Received

Oct 17 2014 12:53pm

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 07-2881U4 Project ID: 0714000085

Bidder Name: Flatiron West, Inc.

Bidder ID: VC0000003877

List this sub? Yes

6) Business Name Crown Fence Company
Location City Santa Fe Springs State CA
California Contractor License Number (a) 1315
Description of Portion of Work

Fencing, Guardrail and Railing and Related (Partial)

Bid Item Numbers

28, 31, 32, 179, 180, 183, 186, 187, 188, 189, 190, 191, 192

Percentage of Bid Item Subcontracted

99%, 48%, 97%, 97%, 99%, 97%, 98%, 99%, 99%, 99%, 99%, 99%

Bid Item Numbers

Percentage of Bid Item Subcontracted

List this sub? Yes

7) Business Name Cooper Engineering Incorporated
Location City Corona State CA
California Contractor License Number (a) 560506
Description of Portion of Work

Roadway Concrete Barrier and Related (Partial)

Bid Item Numbers

194, 195, 196, 198, 199, 200, 201, 202, 203, 204

Percentage of Bid Item Subcontracted

18%, 99%, 91%, 74%, 60%, 99%, 90%, 97%, 83%, 90%

Bid Item Numbers

Percentage of Bid Item Subcontracted

EXHIBIT B

Received

Oct 17 2014 12:53pm

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 07-2881U4 Project ID: 0714000085

Bidder Name: Flatiron West, Inc.

Bidder ID: VC0000003877

List this sub? Yes

B) Business Name: Sterndahl Enterprises

Location City: Sun Valley State: CA

California Contractor License Number (a) 421023

Description of Portion of Work

Striping and Related (Partial)

Bid Item Numbers

1, 34, 35, 36, 37, 206, 207, 208, 209, 210, 211, 212, 214, 215, 216

Percentage of Bid Item Subcontracted

95%, 99%, 92%, 90%, 99%, 92%, 90%, 90%, 94%, 93%, 90%, 90%, 93%, 92%, 95%

Bid Item Numbers

Percentage of Bid Item Subcontracted

List this sub? Yes

9) Business Name: Flatiron Electric Group, Inc.

Location City: Chino State: CA

California Contractor License Number (a) 862724

Description of Portion of Work

Electrical and Related (Partial)

Bid Item Numbers

52, 217, 218, 219, 220, 221, 222, 223, 224

Percentage of Bid Item Subcontracted

99%, 99%, 93%, 99%, 99%, 99%, 99%, 97%, 91%

Bid Item Numbers

Percentage of Bid Item Subcontracted

EXHIBIT B

Received

Oct 17 2014 12:53pm

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 07-2881U4 Project ID: 0714000085

Bidder Name: Flatiron West, Inc.

Bidder ID: VC0000003877

List this sub? Yes

10) Business Name Griffith Company
Location City Santa Fe Springs State CA
California Contractor License Number (a) 88
Description of Portion of Work

Minor Concrete and Related (Partial)

Bid Item Numbers

173, 174, 175, 176, 184

Percentage of Bid Item Subcontracted

96%, 74%, 92%, 77%, 86%

Bid Item Numbers

Percentage of Bid Item Subcontracted

List this sub? Yes

11) Business Name Morales Contracting Services
Location City Baldwin Park State CA
California Contractor License Number (a) 700464
Description of Portion of Work

PCC Saw and Seal and Related (Partial)

Bid Item Numbers

45, 121, 123, 124, 125, 229

Percentage of Bid Item Subcontracted

29%, 2%, 1%, 3%, 8%, 42%

Bid Item Numbers

Percentage of Bid Item Subcontracted

Added #45 - Remove Concrete Pavement

EXHIBIT B

Received

Oct 17 2014 12:53pm

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 07-2081U4 Project ID: 0714000085

Bidder Name: Platiron West, Inc.

Bidder ID: VC0000003877

List this sub? Yes

12) Business Name: Harbor Companies, Inc.

Location City: San Bernardino State: CA

California Contractor License Number (a) 657614

Description of Portion of Work

Grind Existing Concrete and Related (Partial)

Bid Item Numbers

126

Percentage of Bid Item Subcontracted

72%

Bid Item Numbers

Percentage of Bid Item Subcontracted

EXHIBIT B



DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
07	LA	210	R16.1/R25.8	603	927

3-14-14
 REGISTERED CIVIL ENGINEER DATE
 5-12-14
 PLANS APPROVAL DATE

REGISTERED PROFESSIONAL ENGINEER
 ANDY LIAO
 No. C57416
 Exp. 12/31/15
 CIVIL
 STATE OF CALIFORNIA

THE STATE OF CALIFORNIA OR ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF SCANNED COPIES OF THIS PLAN SHEET.

ROADWAY QUANTITIES

SHEET No.	STATION	ISOLATION JOINT SEAL (PERFORMED COMPRESSION)	TACK COAT	HIGH FRICTION SURFACE TREATMENT	MINOR CONCRETE (DRIVEWAY)	REPAIR SPALLED SURFACE AREA	REMOVE CHAIN LINK FENCE	CHAIN LINK FENCE (TYPE CL-6)	
		LF	TON	SQYD	CY	SQFT	LF	LF	
L-28	1132+50 TO 1146+50	4,400	0.9	-	-	900	-	-	
L-29	1146+50 TO 1160+50	3,500	0.6	-	-		-	-	
L-30	1160+50 TO 1174+50	2,800	1.1	-	-		-	-	
L-31	1174+50 TO 1188+50	5,600	0.9	-	-		-	-	
L-32	1188+50 TO 1203+50	6,000	0.5	-	-		-	-	
L-33	1203+50 TO 1218+50	5,000	0.3	-	-		-	-	
L-34	1218+50 TO 1232+50	3,000	0.8	-	-		-	-	
L-35	1232+50 TO 1246+50	4,600	0.7	-	-		-	-	
L-36	1246+50 TO 1261+50	5,200	0.8	-	-		-	-	
L-37	1261+50 TO 1276+50	2,250	0.6	-	-		-	-	
L-38	1261+50 TO 1276+50	2,050	0.5	-	-		-	-	
L-39	1276+50 TO 1290+50 289+21 TO 290+50	4,650	1.2	-	-		-	-	
L-40	1290+50 TO 1305+50 290+50 TO 305+75	3,000	0.9	4,550	-		-	-	
L-41	1290+50 TO 1305+50 290+50 TO 304+60	2,900	1.1	4,550	-		-	-	
L-42	1305+50 TO 1318+00 305+75 TO 308+50 1318+00 TO 1322+10	1,100	2.5	-	60		-	14	9
L-43	1305+50 TO 1317+18 310+30 TO 314+00	-	2.7	-	-		-	-	-
L-44	308+50 TO 319+75 314+00 TO 324+60 1322+10 TO 1331+75	-	1.3	-	-		-	-	-
L-45	319+75 TO 335+00 324+60 TO 340+00 1331+75 TO 1347+50	-	2.6	9,100	-	-	-	-	
L-46	335+40 TO 342+00 340+00 TO 345+00 1347+50 TO 1360+50	-	0.3	-	-	-	-	-	
L-47	1360+50 TO 1364+45	-	-	-	-	-	-	-	
SUB TOTAL		56,050	20.3	18,200	60	900	14	9	
GRAND TOTAL		159,700	54.3	18,200	60	2,250	18	61	

BER 3, 2014
27, 2014

SUMMARY OF QUANTITIES
EXHIBIT C Q-1

AST REVISION DATE PLATTEN 31 700-000-701

*Submitted
w/ B10*

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
Contract No.: 07-2881U4 Project ID: 0714000085
Bidder Name: Chumo Construction Inc.
SUBCONTRACTOR LIST
DES-OE-0102.2B (REV 5/2014)

Bidder ID: VC0000022190

Bidding Firm: Chumo Construction Inc.

Under Public Contract Code § 4100 et seq., the Bidder must set forth in the bid the name, the location of the place of business, the California contractor license number, and the portion of work 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 ten thousand dollars (\$10,000), whichever is greater.

The Bidder must submit within 24 hours of the bid opening the bid item numbers with percentages of the portion of work subcontracted.

a Not required on contracts with Federal-Aid.

List this sub? Yes

1) Business Name Calmex
Location City Bloomington Stateca
California Contractor License Number (a) not required
Description of Portion of Work
cold plane and asphalt paving
Bid Item Numbers

Percentage of Bid Item Subcontracted

EXHIBIT D

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 07-2881U4 Project ID: 0714000085

Bidder Name: Chumo Construction Inc.

Bidder ID: VC0000022190

List this sub? Yes

8) Business Name Harbor company
Location City San Bernardino State Ca
California Contractor License Number (a) not required
Description of Portion of Work

Grinding

Bid Item Numbers

Percentage of Bid Item Subcontracted

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 07-2881U4 Project ID: 0714000085

Bidder Name: Chumo Construction Inc.

Bidder ID: VC0000022190

List this sub? Yes

10) Business Name MCS
Location City Baldwin Park State Ca
California Contractor License Number (a) not required
Description of Portion of Work

saw and seal pavement joints and isolation joint

Bid Item Numbers

Percentage of Bid Item Subcontracted

EXHIBIT D

Received

Oct 17 2014 09:35am

*24 Hour
Submitted*

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
DES-QE-0102.2B (REV 5/2014)

Bidding Firm: Chumo Construction Inc. Contract 07-3881U4 page 1/2

Under Public Contract Code § 4100 et seq., the Bidder must set forth in the bid the name, the location of the place of business, the California contractor license number, and the portion of work 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 ten thousand dollars (\$10,000), whichever is greater.

The Bidder must submit within 24 hours of the bid opening, the bid item numbers with percentages of the portion of work subcontracted.

Business Name and Location	California Contractor License Number (A)	Description of Portion of Work	Bid Item Numbers	Percentage of Bid Item Subcontracted
Calmex Bloomington, CA		Cold plane and asphalt paving	54, 112-118, 227	100%
FBD Vanguard Livermore, CA		Concrete Paving	108, 110, 119-122, 124	100%
FBD Vanguard Livermore, CA		Concrete Barrier Type 60 (s)	194-196, 198-204	100%
Highlight Electric Riverside, CA		Electrical	217-224	100%
Harber Companies San Bernardino, CA		Grinding	126	100%
MCS Baldwin Park, CA		saw and seal pavement joints and isolation jt	123, 125, 229	3.2%, 3.2%, 100%
Alcorn Fence Co. Sun Valley, CA		Metal Beam Guard Rail and Fence	28, 31, 32, 179-181, 183, 186-193	100%
EBS General Engineering Corona, CA		Minor Concrete	173-176, 184	100%
Southwest V-ditch Riverside, CA		Slope Paving and Channel Lining	170, 171	100%
Cal-stripe Colton, CA		Striping	34-37, 206-212, 214-216	100%

^A Not required on contracts with Federal-Aid.

ADA Notice

For individuals with sensory disabilities, this document is available in alternate format. For information, call (916) 445-1233, TTY 711, or write to Records and Forms Management, 1120 N Street, MS-88, Sacramento, CA 95814.

EXHIBIT D

Received

Oct 17 2014 09:36am

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
DES-0E-0102.28 (REV 5/2014)

Bidding Firm: Chano Construction Inc. Contract 07-2881U4 page 2/2

Under Public Contract Code § 4100 et seq., the Bidder must set forth in the bid the name, the location of the place of business, the California contractor license number, and the portion of work 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 ten thousand dollars (\$10,000), whichever is greater.

The Bidder must submit within 24 hours of the bid opening, the bid item numbers with percentages of the portion of work subcontracted.

Business Name and Location	California Contractor License Number (A)	Description of Portion of Work	Bid Item Numbers	Percentage of Bid Item Subcontracted
Integrity Rebar, Perris, CA		Rebar	131,133,140, 141,224	31%, 4.5%, 100%,100%, 0.2%
Coral Wilsonville, OR		Sign Structures	41, 127, 142, 145, 154	100%
FBD Vanguard Livermore, CA		Concrete Barric type 736	205	100%

(A) Not required on contracts with Federal-Aid.

ADA Notice

For individuals with sensory disabilities, this document is available in alternate format. For information, call (916) 445-1233, TTY 711, or write to Records and Format Management, 1120 N Street, MS-68, Sacramento, CA 95814.

EXHIBIT D

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
CALTRANS BIDDER - DBE - COMMITMENT
DES-OE-0102.10C (NEW 08/2012)

Low Bidder

10-22-14A10:53 RCVD

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 specifications. Failure to submit the required DBE information will be grounds for finding the bid nonresponsive.

CONTRACT NO: 07-2881U4

BID AMOUNT: \$105,495,711.78

\$

BID OPENING DATE: October 16, 2014

BIDDER'S NAME: Flatiron West, Inc.

DBE GOAL FROM CONTRACT, %: 11%

DBE PRIME CONTRACTOR CERTIFICATION¹: NOT APPLICABLE

BID ITEM NO.	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED ²	FOR CALTRANS USE ONLY	NAME OF DBE ^a (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
131, 133, 140, 141, 185, 205, 224	Reinforcing Steel and Related (Partial)		Integrity Rebar Placers 1345 Nandina Ave, Perris, CA 92571 (951) 898-6843 DBE Cert #34785	\$2,378,186.65
45, 121, 123, 124, 125, 229	PCC Saw and Seal and Related (Partial)		Morales Contracting Service 5031 Calmview Ave, Baldwin Park, CA 91708 (626) 858-3648 DBE Cert #4481	\$1,442,134.00
107, 108, 109, 110, 119, 120, 121, 122, 123, 124, 229	PCC Supplies and Related (Partial)		JC Supply & Manufacturing 1812 S Cucamonga Ave, Ontario, CA 91781 (909) 373-1773 DBE Cert #34142	\$1,858,008.95
135, 136, 137, 138, 139	Joint Seals and Related (Partial)		J. Francis Co. Inc. 16197 Krameria Ave, Riverside, CA 92504 (951) 778-9100 DBE Cert #38328	\$375,540.00
115, 116, 117, 118	Asphalt Dike and Related (Partial)		A.C. Dike Co. 2788 Venture Drive, Lincoln, CA 95648 (916) 852-0159 DBE Cert #218	\$163,487.50
80	Hazardous Soil Trucking and Disposal and Related (Partial)		Bradley Tanks Inc. 3272 Grayhawk Court, Carlsbad, CA 92010 (949) 233-2789 DBE Cert #38563	\$182,527.00

Not Listed →

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 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 2-1.12 of the specifications to determine the credit allowed for DBE firms.

Submit to:

MSC 43
OFFICE ENGINEER
DEPARTMENT OF TRANSPORTATION
1727 30TH STREET
SACRAMENTO, CA 95816-7005

Total Claimed Participation

\$ See Next Page

See Next Page

Signature of Bidder Christien M. Peich, Vice President

October 21, 2014 (760) 916-9100

Date (Area Code) Tel. No.

Jannette Carter, Estimating Administrator

Person to Contact (Please Type or Print)

EXHIBIT E

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
CALTRANS BIDDER - DBE - COMMITMENT
DES-OE-0102.10C (NEW 06/2012)

10-22-14 10:53 RCVD

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 specifications. Failure to submit the required DBE information will be grounds for finding the bid nonresponsive.

CONTRACT NO: 07-2881U4

BID AMOUNT: \$105,495,711.78

\$

BID OPENING DATE: October 16, 2014

BIDDER'S NAME: Flatiron West, Inc.

DBE GOAL FROM CONTRACT, %: 11%

DBE PRIME CONTRACTOR CERTIFICATION¹: NOT APPLICABLE

Not Listed

Not Listed

BID ITEM NO.	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED ²	FOR CALTRANS USE ONLY	NAME OF DBE ³ (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	Clear and Grub and Related (Partial)		CGO Construction Company, Inc. 3100 East Cedar St #14, Ontario, CA 91761 (909) 930-5501 DBE Cert #4483	\$72,300.00
219, 223, 224	Electrical Supply and Related (Partial) (80% Supplier Credit; Lower Tier to Flatiron Electric Group)		Logistical Enterprises 4858 Weathermaker Ave, Fresno, CA 93703 (559) 382-1124 DBE Cert #39438	\$2,829,174.01
160, 161, 162	RCP Pipe Supply and Related (Partial) (100% Manufacturer Credit)		Precor Products P.O. Box 940889, Simi Valley, CA 93094 (805) 527-0841 DBE Cert #851	\$46,925.78
183, 184, 185, 188, 189	CSP and HDPE Pipe Supply and Related (Partial) (80% Supplier Credit)		Water Components & Building Supply, Inc. 44 Simms St., San Rafael, CA 94901 (415) 524-8280 DBE Cert #39438	\$118,373.01
33, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 228	Landscape and Irrigation and Related (Partial)		Landscape Support Services, Inc. 14900 Magnolia Blvd, Ste. 55307, Sherman Oaks, CA 91403 (818) 475-0880 DBE Cert #40620	\$133,805.50
Total Claimed Participation				\$ 9,499,472.40

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 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.

- DBE prime contractors must enter their certification number and indicate all work to be performed by DBEs including work performed by its own forces.
- If 100% of item is not to be performed or furnished by DBE, describe exact portion of item to be performed or furnished.
- See section 2-1.12 of the specifications to determine the credit allowed for DBE firms.

Submit to:

MSC 43
OFFICE ENGINEER
DEPARTMENT OF TRANSPORTATION
1727 30TH STREET
SACRAMENTO, CA 95816-7005

Total Claimed Participation
\$ 9,499,472.40
8 %

Signature of Bidder Christian M. Polch, Vice President

October 21, 2014 (760) 916-9100
Date (Area Code) Tel. No.

Jannette Carter, Estimating Administrator
Person to Contact (Please Type or Print)

EXHIBIT E

SECURITY PAVING COMPANY, INC.

P. O. BOX 1489 SUN VALLEY, CA. 91353-1489 PH.(818) 767-8418 FAX(818) 767-3169

* Fax Cover Sheet *

Date: 10/28/14

To: John McMillan

Phone: (916) 227-6300

Company: Caltrans Office Engineer

Fax: (916) 227-6282

From: Joe Ferndino

Subject: 07-288164

REGARDING: BID PROTEST

This cover page is 1 of 28 pages.

*IF THERE IS ANY OTHER INFORMATION YOU NEED PLEASE LET ME KNOW.

OFFICE# (818)767-8418 OR FAX# (818)767-3169.

THANK YOU