

**USS CAL BUILDERS***Building Your Future*

December 29, 2015

VIA Fax 916/227-6282

John McMillan
Deputy Division Chief
State Of California
Department of Transportation
Division of Engineering Services
1727 30th Street, MS-43
Sacramento, CA 95816

Re: Construction on State Highway in Los Angeles County at Various Locations from Main Street Undercrossing to Imperial Highway Undercrossing.
Contract Number: 07-290004
Project ID: 0712000016
Bid Date- December 17, 2015
Bid Protest of USS Cal Builders Inc.

Dear Mr. McMillan;

On or about December 17, 2015, Peterson-Chase General Engineering Construction, Inc. (Peterson-Chase) was apparent low bidder and Ortiz Enterprises, Inc. (Ortiz) was the apparent second low bidder was on the Construction on State Highway in Los Angeles County at Various Locations from Main Street Undercrossing to Imperial Highway Undercrossing project, Contract No 07-290004 (the "Project"). This correspondence shall constitute USS Cal Builders Inc. ("USS") Bid Protest for Peterson-Chase General Engineering Construction, Inc and Ortiz Enterprises, Inc. bids.

- Peterson-Chase Engineering Construction's bid is nonresponsive because its bid failed to comply with material requirements in revised standard specifications and general provisions of the said contract as noted below, As such the bid must be rejected.

Section2-1.10 ...For each subcontractor listed, the subcontractor List form must show:

1. Business name and the location of its place of business
2. California contractor license number for a non-federal-aid contract.
3. Public works contract registration number

We direct your attention to the item #3 above as it states that the subcontractor listed must show the public works contract registration number, in this case Peterson-Chase Engineering Construction failed to provide the correct PWCR number for the subcontract (Gerdau) listed on their Subcontractor List form. The noted number is 100000435 which is incorrect.



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- Ortiz Enterprises, Inc.'s bid is nonresponsive because its bid failed to comply with material requirements in revised standard specifications and general provisions of the said contract as noted below, As such the bid must be rejected.

Section 2-1.33D (2)(b): DBE Commitment and DBE Good Faith Efforts Documentation Submittal Deadline:
No Later than 4:00 pm on the 4th business day after bid opening:

We direct your attention to the date received on the said form as it states 12-24-2015A08:25AM while the deadline for this requirement on the said project should have been 12-23-2015 at 4:00PM.

As you are well aware, Responsiveness refers to the bid itself, which encompasses all of the documents that must be submitted by each bidder. That includes the bid proposal form, the signed acknowledgments, the bid bond, the power of attorney, and any other documents that the bidders are required to submit for a particular bid. A determination of responsiveness boils down to a simple binary analysis: whether or not the bidder complied with the bidding instructions and in this case it is clear that Peterson-Chase and Ortiz did not.

Here Peterson-Chase and Ortiz bids must be found non-responsive due to their failure to conform to the above mentioned requirements. Person-Chase and Ortiz's deviations are material as the mentioned general contractors will enjoy a substantial benefit not enjoyed by other bidders by not complying with the express requirements of the instructions to bidders. (See Valley Crest Landscape, Inc. v. City Council of Davis (1996) 41 Cal. App. 4th 1432).

The Authority's Standards Specifications and General Provisions made certain bid requirements mandatory. To evaluate the bids on any basis other than those requirements would be inappropriate and would give a substantial benefit to Peterson-Chase and Ortiz not enjoyed by other bidders. Through the facts and irregularities presented above that clearly demonstrate the bidders' failure to meet the requirements, we again respectfully request that the award of the Project be made to USS Cal Builders, Inc.

If you should have any questions, feel free to contact me at 714-699-5245.

Sincerely,

Rabih El-Zein
Sr. Vice President
USS Cal Builders, Inc.