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!

January 23, 2015

Facsimile: (951) 710-1006

Elizabeth H. Mendoza de McRae, President
PTM General Engineering Services, Inc.
5942 Acorn Street
Riverside, CA 92504

07-3X9204
07-LA-5, 47, 101-Var
B.O. 10/30/14

Dear Ms. Mendoza de McRae:

The Department of Transportation (Caltrans) received a letter dated December 17, 2014, from PTM General Engineering Services, Inc. (PTM) protesting the bid submitted by YAKAR for the above referenced contract. PTM alleges that YAKAR's total bid amount for bid item 3 (Construction Area Signs) was $35,000.00 and bid item 4, (Traffic Control) was listed as $350,000.00. YAKAR listed Maneri Traffic Control (Maneri) for 90 percent of bid item 4, or $315,000.00. However, on the Disadvantaged Business Enterprise (DBE) Commitment form claimed participation for Maneri as $417,000.00. In addition, YAKAR's total claimed participation was listed as $854,180.00; however, the correct total participation should be $641,320.00 or 8.15 percent, which is short of the 11 percent goal for this contract. Furthermore, YAKAR did not submit the DBE Prime Contractor Certification, which was part of the bid proposal and this was required of all bidders.

Caltrans evaluated this protest and determined that YAKAR, on its Subcontractors List form, listed Maneri to perform 90 percent of bid items 3 and 4. However, the percentage is relative to the amount of work to be performed and not the total bid amount.

As this protest pertains to the DBE Commitment form, the Office of Business and Economic Opportunity, Contract Evaluation Branch (CEB), conducted a review of YAKAR's DBE submittal and received a clarification of the commitment from Maneri and confirmed the total amount claimed for participation as;

Construction Area Signs (bid item 3)	$29,800.00
Traffic Control (bid item 4) equip/labor	$1,390x30 days = $417,000.00
PCMS	$890x4x20 = $71,200.00
Arrow Boards	$550x8x20 = $88,000.00
Delivery fee	$100x20 = $20,000.00
Attenuator Truck	$2,850x4x20 = $228,000.00
Total claimed participation	$854,180.00 or 10.53 percent of the bid

CEB also confirmed that YAKAR did not meet the stated contract goal of 11 percent, but made a good faith effort to meet that goal.

With respect to the DBE Commitment form submittal, your attention is directed to the 2010 Revised Standard Specifications, Section 2-1.12B (2), DBE Commitment Submittal, which states in part:

> *Bidders other than the apparent low bidder, the 2nd low bidder, and the 3rd low bidder ere not required to submit the DBE commitment form unless the Department requests it. If the Depertment requests a DBE commitment form from you, submit the completed form within 4 business days of the request.*

Caltrans requested YAKAR's DBE submittal package on 11/24/2014 and received that information on 12/1/2014.

Based on the above, Caltrans finds that the bid submitted by YAKAR is responsive and will proceed to award this contract to YAKAR.

If you have any questions, please contact Mulissa Smith, Contract Awards Branch Chief, at (916) 227-6228.

Sincerely,

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

** Transmit Conf.Report **

P.1 Jan 23 2015 03:49pm
CALTRANS CONTR AWARDS Fax 916-227-6282

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
919517101006	Normal	23:03:48pm	0'24"	2	# O K	

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!

January 23, 2015

Facsimile: (951) 710-1006

Elizabeth H. Mendoza de McRae, President
PTM General Engineering Services, Inc.
5942 Acorn Street
Riverside, CA 92504

07-3X9204
07-LA-5, 47, 101-Var
B.O. 10/30/14

Dear Ms. Mendoza de McRae:

The Department of Transportation (Caltrans) received a letter dated December 17, 2014, from PTM General Engineering Services, Inc. (PTM) protesting the bid submitted by YAKAR for the above referenced contract. PTM alleges that YAKAR's total bid amount for bid item 3 (Construction Area Signs) was $35,000.00 and bid item 4, (Traffic Control) was listed as $350,000.00. YAKAR listed Maneri Traffic Control (Maneri) for 90 percent of bid item 4, or $315,000.00. However, on the Disadvantaged Business Enterprise (DBE) Commitment form claimed participation for Maneri as $417,000.00. In addition, YAKAR's total claimed participation was listed as $854,180.00; however, the correct total participation should be $641,320.00 or 8.15 percent, which is short of the 11 percent goal for this contract. Furthermore, YAKAR did not submit the DBE Prime Contractor Certification, which was part of the bid proposal and this was required of all bidders.

Caltrans evaluated this protest and determined that YAKAR, on its Subcontractors List form, listed Maneri to perform 90 percent of bid items 3 and 4. However, the percentage is relative to the amount of work to be performed and not the total bid amount.

As this protest pertains to the DBE Commitment form, the Office of Business and Economic Opportunity, Contract Evaluation Branch (CEB), conducted a review of YAKAR's DBE submittal and received a clarification of the commitment from Maneri and confirmed the total amount claimed for participation as;

Construction Area Signs (bid item 3)	$29,800.00
Traffic Control (bid item 4) equip/labor	$1,390x30 days = $417,000.00
PCMS	$890x4x20 = $71,200.00
Arrow Boards	$550x8x20 = $88,000.00
Delivery fee	$100x20 = $20,000.00
Attenuator Truck	$2,850x4x20 = $228,000.00
Total claimed participation	$854,180.00 or 10.53 percent of the bid

CEB also confirmed that YAKAR did not meet the stated contract goal of 11 percent, but made a good faith effort to meet that goal.