

MODESTO OFFICE
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State Contractor's License No. 211337-A



May 19, 2015

California Department of Transportation
 Division of Engineering Services
 Office Engineer, MS-43
 1727 30th Street
 P.O. Box 168041
 Sacramento, CA 95816-8041
 Phone: (916) 227-6280
 Fax: (916) 227-6282

Attention: John McMillan, Deputy Division Chief

Regarding: Contract 10-0V9004
 Bid Opened April 29, 2015
 Bid Protest

Dear Mr. McMillan:

Please consider this letter an official protest of Pave-Tech Inc. (PTI) regarding the project listed above. George Reed, Inc. (GRI) contends that PTI did not properly list their subcontractor for Prepave Grinding.

PTI listed ABSL Construction (ABSL) to do 100% of Bid Item 19 (Prepaving Grinding Day). PTI also listed ABSL on the DBE commitment form for the same amount. Section 39-1.03C(5) of the Revised Standard Specifications states the "Prepaving grinding day includes correcting areas of localized roughness, taking profiles of the corrected areas, and submitting profile data as specified in Section 39-1.01C(13)(d)." The quote from ABSL for the prepave grinding states that their price includes grinder, one tanker and slurry disposal. The quoted price from ABSL for this bid item does not include taking profiles of the corrected areas or submitting the profile data. Without including this work ABSL cannot be considered to be performing 100% of the item. Also, since ABSL did not include the profiling and data reporting in the price for bid item 19 but was listed for 100%, nobody can be allowed to be subcontracted for this work including ABSL themselves.

By listing ABSL as performing 100% of item 19 (Prepaving Grinding Day), PTI has improperly filled out their subcontractor listing form. This work cannot be completed per specifications without taking profiles of the corrected areas. The math shown on ABSL's quote that was included with PTI's DBE paperwork clearly shows that taking profiles has not been included (3 grinding days at \$5,800 per day = \$17,400 plus mobilization of \$400 for a total of \$18,200).

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
 Contract No.: 10-0V9004 Project ID: 1000020477
 Bidder Name: Pave-Tech Inc.

Bidder ID VC0000008079

BID ITEM LIST

Item No.	Item Code	Item Description	Estimated Quantity Unit of Measure	Unit Price	Item Total
12	150722 MARKER	REMOVE PAVEMENT	3,330.0 EA	1.00	3,330.00
13	150744	REMOVE ROADSIDE SIGN (WOOD POST)	18.0 EA	71.22	1,281.96
14	150771	REMOVE ASPHALT CONCRETE DIKE	16,100.0 LF	1.95	31,395.00
15	152438	ADJUST FRAME AND COVER TO GRADE	13.0 EA	300.00	3,900.00
16	153103	COLD PLANE ASPHALT CONCRETE PAVEMENT	37,800.0 SQYD	2.65	100,170.00
17	190185	SHOULDER BACKING	4,000.0 TON	32.50	130,000.00
18	390011	PREPAVING INERTIAL PROFILER	LUMP SUM LS	LUMP SUM	4,000.00
19	390020	PREPAVING GRINDING DAY	3.0 EA	6,066.67	18,200.01
20	390132	HOT MIX ASPHALT (TYPE A)	4,190.0 TON	90.52	379,278.80
21	390137	RUBBERIZED HOT MIX ASPHALT (GAP GRADED)	29,100.0 TON	110.77	3,223,407.00
22	394060	DATA CORE	LUMP SUM LS	LUMP SUM	8,489.00
23	394076	PLACE HOT MIX ASPHALT DIKE (TYPE E)	16,100.0 LF	1.45	23,345.00



STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
Contract No.: 10-0V9004 Project ID: 1000020477
Bidder Name: Pave-Tech Inc.
DES-OE-0102.2B(REV 5/2014)

Bidder ID: VC0000008079

Bidding Firm: Pave-Tech Inc.

List this sub? Yes

4) Business Name ABSL Construction
Location City Hayward State CA
California Contractor License Number 621781
CA Department of Industrial Relations' Registration Number 1000020818
Portion of Work Subcontracted:

Item #	Description
18 100	Pre-Paving Inertial Profiler
19 100	Pre-Paving Grinding Day



List this sub? Yes

5) Business Name KRC Safety Co. Inc.
Location City Visalia State CA
California Contractor License Number 507950
CA Department of Industrial Relations' Registration Number 1000004730
Portion of Work Subcontracted:

Item #	Description
2 100	Construction Signs
3 72.74	Traffic Control
9 100	Treated Wood Waste
13 100	Remove Roadside Sign
25 100	Furnish Sign

List this sub? Yes

6) Business Name KRC Safety Co. Inc.
Location City Visalia State CA
California Contractor License Number 507950
CA Department of Industrial Relations' Registration Number 1000004730
Portion of Work Subcontracted:

Item #	Description
26 100	Roadside Sign
27 100	Furnish Sign
28 100	Retroreflective Sheeting
29 100	Delineator

05-05-15A10:28 RCVD

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
DBE - COMMITMENT
068-06-0102.100 (REV 12/2014)

CONTRACT NO:
10-0V9004

BID AMOUNT:
\$ 4,442,118.00

BID OPENING DATE:
4/29/2015

BIDDER'S NAME:
Pave-Tech Inc.

DBE GOAL FROM CONTRACT %:
8%

DBE PRIME CONTRACTOR CERTIFICATION¹: TOTAL NUMBER OF ALL SUBCONTRACTS (DBE & NON-DBE) TOTAL VALUE OF ALL SUBCONTRACTS (DBE & NON-DBE)
05 \$429,854.50

BID ITEM NO.	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED ²	WORK CATEGORY CODES ³	NAME OF DBEs (Must be certified on the date bids are opened. Include California's certification no., DBE address, and phone number. Show 2nd and lower tier subcontractors)	AMOUNT (\$)
19	Pre-Paving Grinding Day		ABSL Construction #005270 29393 Pacific St., Hayward, CA 94544 (510) 727-0900	\$18,200.00
21	Asphalt Oil via AC Supplier		Black Diamond Asphalt, Inc. #22899 118 Main St., Vacaville, CA 95688 (707) 448-9402	\$188,157.06



Show all DBE firms being claimed for credit, regardless of tier. Attach written confirmation from each DBE shown stating that it will be participating in the contract to perform the specific work shown for the specific amount agreed to.

The names of the 1st tier DBE subcontractors and items of work must be consistent with the Subcontractor List (Pub Cont Code § 4100 et seq.)

¹Each DBE prime contractor must enter its certification number and show all work to be performed by DBEs, including work performed by its own forces.

²If 100% of an item is not to be performed or furnished by the DBE, describe the exact portion of the item to be performed or furnished.

³Use Work Category Codes from the California Unified Certification Program database.

Total Claimed Participation
\$418,481.56
9.44 %

The bidder acknowledges that it is committed to use the DBEs shown on this form to meet the contract goal (49 CFR 26.53).

Rudy C. Zavalani
Signature of Bidder

5/4/2015 (760) 727-8700
Date (Area Code) Tel. No.

Rudy C. Zavalani/President
Person to Contact (Please Type or Print)

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ABSL CONSTRUCTION

PAGE 01/05

ABSL Construction

DIR Registration No. 100002818

29393 Pacific Street, Hayward, CA 94544
TE: (510) 727-0900 Fax: (510) 727-0912

Contractors License A 621781
SBMBE & DBE Certification CT-006270

**Bid Quotation
AC Grinding**

Project Name: GADOT Rubberized HMA Resurfacing, Repair Failed Areas
Project Number: 10-015804
Bid Date: 04/29/2015
Location: Pine Grove, Amador County, CA

BID -- Inertial Profiling and Diamond Grinding -- Bump Grinding

Item 18: Pre-Paving Inertial Profiler

100% —

Quantity: Lump Sum Unit Price: \$4,000 Total: \$ 4,000

Mobilization

Included

This price includes two mobilizations and two surveys of the work area. ABSL will mark out any must-grinds at an additional cost of \$180.00 per hour plus \$250.00 (each way) for mobilization.

Item: Pre-Paving Grinding Day

Item (19)

100% —

Quantity: 3 Days Unit Price: \$5,800/Day Total: \$ 17,400 + 800⁰⁰
Mobilization \$ 400.00 (each way) = 19,200⁰⁰

Price includes grinder, one tanker and slurry disposal. Contractor to provide water within 10 miles of the job site.

This price is for a 2013 Diamond Products PC-150 Bump Grinder. No surcharge for night work. \$600.00 per hour overtime for the grinder. \$240.00 per hour overtime for the tanker. \$500.00 surcharge for Saturday work. \$1000.00 surcharge for Sunday work.

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FAX TRANSMITTAL

Date: May 19, 2015

To: John McMillan, Deputy Chief
Company: State of California, Department of Transportation
Phone:
Fax: 916-227-6282

From: Stacy Case
Company: George Reed, Inc. - Modesto
Phone: (209) 523-0734
Fax: (209) 523-4927

Pages Faxed: 7

Project Name: 10-0V9004

Comments: George Reed, Inc. protest of Pave-Tech, Inc.

ORIGINAL TO FOLLOW BY US MAIL

Thanks, Stacy Case