

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER

1727 30th STREET, MS-43

P.O. BOX 168041

SACRAMENTO, CA 95816-8041

PHONE (916) 227-6299

FAX (916) 227-6282

TTY 711

www.dot.ca.gov



*Serious Drought.
Serious drought.
Help save water!*

July 31, 2015

Facsimile: (949) 231-1255

Ahmad Bagheri, Executive Vice President
OHL USA, Inc.
1920 Main Street
Irvine, CA 92614

11-288814
11-SD-11, 125, 905-Var
B.O. 06/11/2015

Dear Mr. Bagheri:

The Department of Transportation (Caltrans) received the attached letter dated June 22, 2015, from OHL USA, Inc. (OHL), protesting bid documents submitted by Coffman Specialties, Inc. (Coffman) and Flatiron West, Inc. (Flatiron) for Contract 11-288814 on June 11, 2015. The protest alleges that both Coffman and Flatiron submitted bids with numerous inconsistencies and errors of such magnitude that both should be found nonresponsive. Specifically, OHL alleges Coffman failed to properly submit the Subcontractor List form. Coffman listed 13 items on its Subcontractor List form and failed to indicate the percentage of work to be performed for those items.

The protest further alleges that Flatiron listed Coral Construction Company (Coral) to Remove Sign Overlay, Furnish Sign Structure (Truss), Install Sign Structure (Truss), Install Sign Panel on Existing Sign Structure and Furnish Laminated Panel Sign, (bid items 36, 101, 102, 103, and 104), but failed to provide a description of work and percentage of work to be subcontracted. OHL contends that Flatiron attempted to extend its options by listing Coral again for the same bid items, but provided the description and percentages, but failed to utilize a valid license number. Flatiron listed Southwest V-Ditch (V-Ditch) for ditch excavation (bid item 134) and attempted to change the scope of work to Slope Paving (bid item 50). Additionally, Flatiron listed Morales Contracting Services (Morales) for Jointed Plain Concrete Pavement (bid item 82) and attempted to alter the scope to "Green Saw" Jointed Plain Concrete Pavement. Furthermore, Flatiron listed bid item 135 for 98%, but failed to list a description of work. OHL requests that Caltrans find both Coffman and Flatiron nonresponsive and award the contract to OHL.

Caltrans has reviewed the bid documents submitted by both Coffman and Flatiron and has determined the following;

In regards to the bid submitted by Coffman, Caltrans has already determined that the bid submitted by Coffman was nonresponsive.

As this protest relates to the bid submitted by Flatiron, Caltrans has determined the following;

1. Caltrans confirms that Flatiron on its Subcontractor List form duplicated its listing for Coral Construction, by listing them as subcontractor number 13 and 31. For listing number 13, Flatiron identified bid items 36,101,102,103 and 104. However, omitted the percentage of work to be performed, as well as the description of work subcontracted.

For listing subcontractor number 31, Flatiron identified the same bid items, and included the percentage of work to be performed. The percentage of work to be performed was provided for all bid items. The description of work was provided for all bid items with a percentage of work less than 100 percent. Caltrans has determined that this error is immaterial as it does not materially change the bid, and can therefore be waived by Caltrans.

The California Contractor License and California Department of Industrial Relations' Registration Number as listed for subcontractor number 13 were both valid for Coral Construction. Although the information for subcontractor number 31 was incorrect, the information listed for subcontractor 13 was correct. Caltrans has determined that this is immaterial since the information is provided elsewhere in the bid and can therefore be waived by Caltrans.

2. As the protest relates to Flatiron listing Morales to perform bid item 82 and listing the description of work as Jointed Plain Concrete Pavement instead of describing the portion of work as Green Saw as it was described on the DBE Commitment Form. Bid Item 82 is described on the Bid Item List that is part of the bid as Jointed Plain Concrete Pavement. Flatiron listed Morales as performing 3% of Bid Item 82. The fact that Flatiron provided a more detailed description of that work on the DBE Commitment Form as Green Saw Jointed Plain Concrete Pavement is an immaterial deviation. The quote submitted as part of the DBE Commitment for Morales establishes that Morales was only ever going to perform the Green Saw portion of Bid Item 82. The fact that Flatiron did not clarify this on the Subcontractor List form does not materially affect the bid.
3. As the protest relates to Flatiron failing to list a description for bid item 135 for Bert W. Salas, Caltrans find that the failure to list a description for 98% of bid item 135 is an immaterial deviation. The Bid Item List shows bid item 135 as Rock Slope Protection Fabric (Class 8). The Bid Item List also shows a quantity of 560 SQYDs for an item total of \$2,284. Both the Subcontractor List and the DBE Commitment forms list Bert W. Salas as performing bid item 135. The quote submitted to Flatiron by Bert W. Salas lists bid item 135 Rock Slope Protection Fabric (Class 8) for 540 SQYDs. Caltrans can therefore determine the scope of Bert W. Salas' contract. Therefore, Caltrans finds no material error in the absence of this description and this clerical error can therefore be waived by Caltrans.

Mr. A. Bagheri
July 31, 2015
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Caltrans finds OHL's protest does not have merit and will proceed to award the contract to the lowest responsible bidder.

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

Sincerely,



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

**** Transmit Conf. Report ****

P.1
CALTRANS CONTR AWARDS Fax 916-227-6282

Jul 31 2015 04:02pm

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STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr. Governor

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