


**COFFMAN SPECIALTIES, INC.**

 GENERAL AND ENGINEERING CONTRACTORS
 

---

July 10, 2015

 Sent *via* e-mail: John.McMillan@dot.ca.gov  
and U.S. Mail

 John C. McMillan, Deputy Division Chief  
Office Engineer  
California Dept. of Transportation  
P.O. Box 168041, MS-43  
Sacramento, CA 95816-8041

 Project: Contract No. 11-288814; Rte. 11/125/905 Separation  
Subject: Protest of Flatiron's Bid as Nonresponsive

Dear Mr. McMillan:

In furtherance of Coffman Specialties, Inc.'s ("Coffman") letter dated June 24, 2015 in protest Flatiron West's ("Flatiron") bid for the above-referenced Contract, Coffman submits three (of several) examples where the Department of Transportation ("Caltrans") refused to accept bids that contained very similar "inadvertent clerical errors" as those in Flatiron's bid. Caltrans must consistently and fairly conduct its bids.

As explained in Coffman's prior correspondence, Flatiron listed subcontractors for less than 100 percent of the bid item work, but in one instance completely omitted a description of what work the subcontractor would do, and in two instances, gave an inaccurate description of work.

**1. Southwest V-Ditch**

Flatiron listed Southwest V-Ditch to perform 82% of Bid Item 134. Flatiron described Southwest's portion of work as "Ditch Excavation." In its subsequently-sent letter, Flatiron said that Southwest V-Ditch would perform "Slope Paving." (See Attachment 1, pg. 23 of Flatiron's bid.) Bid Item 134 is Slope Paving. Bid Item 50 is Ditch Excavation.

On October 14, Caltrans declared Dreambuilder nonresponsive because the bid item numbers referenced did not correspond correctly to the work being performed. Caltrans "was unable to interpret the bid as submitted and [found] the bid nonresponsive." (See Attachment "B.")

**2. Bert W Salas, Inc.**

Flatiron listed Bert W Salas Inc. to perform 98% of Bid Item 135. Flatiron gave no description of Salas' work with its bid.

Since the work percentage is identified as less than 100 percent, Flatiron was required to submit a description of Bert W Salas' work at bid time.



John C. McMillan, Deputy Division Chief, Office Engineer  
California Dept. of Transportation  
July 10, 2015  
Page 2 of 2

On May 13, 2015, Caltrans declared Chester Bross Construction Company nonresponsive because it omitted descriptions of work. (See Attachment "A.")

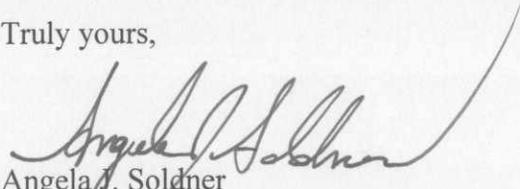
**3. Morales Contracting Services**

Flatiron listed Morales Contracting Services to perform 3% of Bid Item 82. Flatiron described Morales' portion of work using the full name of the Bid Item – "Jointed Plain Concrete Pavement" – although Morales was not performing the paving work. Flatiron's letter clarified that Morales was to perform only the "green saw" portion of the Item 82 work.

On December 18, 2012, Caltrans declared Diablo Contractors, Inc. nonresponsive because it described a subcontractor's portion of work as "demolition" but one day later revised the description to "grinding." (See Attachment "C.") Caltrans said no revisions to the subcontractor list form (besides addition of percentages) were permitted.

Flatiron's letter to Caltrans after bid time attempting to correct the errors cannot be deemed to cure the defects that Caltrans regularly finds unacceptable. To permit errors in some bids and refuse to allow them in others results in unfair bidding procedures that confuse bidders and lead to inconsistency and promotes bid shopping. Therefore, Caltrans must reject Flatiron's bid and proceed to award the contract to Coffman as the lowest responsible, responsive bidder.

Truly yours,



Angela J. Soldner  
General Counsel

Encls.

cc Gov. Brown  
Brian Kelly, CalSTA  
Jim Ryan, San Diego AGC

## 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.  
Help save water!

May 13, 2015

Facsimile: (573)221-1892

Chester Bross, President  
Chester Bross Constroction Company  
P.O. Box 430  
Hannibal, MO 63401

10-0V9004  
10-Ama-88-15.0/32.3  
B.O. 04/29/2015

Dear Mr. Bross:

The Department of Transportation (Caltrans) received a bid submitted by Chester Bross Construction Company (Chester Bross) for Contract 10-0V9004 on April 29, 2015. Caltrans notifies Chester Bross Construction Company that its bid is nonresponsive because it failed to properly submit the Subcontractor List

*"The Subcontractor List must show the name, address, and work portions to be performed by each Subcontractor listed. Show work portions by bid item number, description, and percentage of each bid item subcontracted."*

Chester Bross did not Show work portions by description of each bid item subcontracted on its Subcontractor list.

Based on the above, Caltrans will proceed to award the contract to the lowest responsible bidder, provided that all requirements are met.

Your attention is directed to Section 3-1.04 of the 2010 Standard Specifications. Caltrans is not obligated to offer an extension of the award period for a nonresponsive bid. Should you wish to extend your bid while resolving a nonresponsive finding, you must send your request to the Office Engineer no later than 4:00 p.m., two business days prior to the expiration of your bid.

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

Sincerely,

A handwritten signature in black ink, appearing to read "for John C. McMILLAN".

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

Bidding Firm: Chester Bross Construction Company

List this sub? Yes

- 1) Business Name CHRISP COMPANY  
Location City STOCKTON State CA  
California Contractor License Number 374600  
CA Department of Industrial Relations' Registration Number 1000000306  
Portion of Work Subcontracted:

Item #	Description
1 100 1	
3 8 3	
7 100 7	
8 100 8	
10 100 10	

List this sub? Yes

- 2) Business Name CHRISP COMPANY  
Location City STOCKTON State CA  
California Contractor License Number 374600  
CA Department of Industrial Relations' Registration Number 1000000306  
Portion of Work Subcontracted:

Item #	Description
11 100 11	
30 100 30	
31 100 31	

List this sub? Yes

- 3) Business Name AC DIKE CO.  
Location City LINCOLN State CA  
California Contractor License Number 407417  
CA Department of Industrial Relations' Registration Number 1000005929  
Portion of Work Subcontracted:

Item #	Description
23 73 23	

Bidding Firm: Chester Bross Construction Company

List this sub? Yes

- 4) Business Name PAVEMENT MANAGEMENT SOLUTIONS INC.  
Location City MURRIETA State CA  
California Contractor License Number 989179  
CA Department of Industrial Relations' Registration Number 1000012824  
Portion of Work Subcontracted:

Item #	Description
18 100 18	
19 35 19	

List this sub? Yes

- 5) Business Name PAVEMENT RECYCLING SYSTEMS  
Location City JURUPA VALLEY State CA  
California Contractor License Number 569352  
CA Department of Industrial Relations' Registration Number 1000003363  
Portion of Work Subcontracted:

Item #	Description
14 100 14	
16 30 16	

List this sub? Yes

- 6) Business Name FARWEST SAFETY INC.  
Location City LODI State CA  
California Contractor License Number 523187  
CA Department of Industrial Relations' Registration Number 1000001371  
Portion of Work Subcontracted:

Item #	Description
2 100 2	
9 100 9	
13 100 13	
25 100 25	
26 100 26	

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION  
Contract No.: 10-0V9004 Project ID: 1000020477  
Bidder Name: Chester Bross Construction Company Bidder ID: VC1300004070  
DES-OE-0102.2B (REV 5/2014)

---

Bidding Firm: Chester Bross Construction Company

List this sub? Yes

7) Business Name FARWEST SAFETY INC.  
Location City LODI State CA  
California Contractor License Number 523187  
CA Department of Industrial Relations' Registration Number 1000001371  
Portion of Work Subcontracted:

Item #	Description
27 100 27	
28 100 28	
29 100 29	

List this sub? Yes

8) Business Name ST FRANCIS ELECTRIC  
Location City SAN LEANDRO State CA  
California Contractor License Number 335324  
CA Department of Industrial Relations' Registration Number 1000003370  
Portion of Work Subcontracted:

Item #	Description
32 100 32	
33 100 33	

**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!*

October 14, 2014

3698  
Facsimile: (714) 646-3697

Anurag Singh, President  
Dreambuilder  
1324 E. Lawson Lane  
Placentia, CA 92870

08-0P2804  
08-Riv-60-1.6  
B.O. 09/24/2014

Dear Mr. Singh:

The Department of Transportation (Caltrans) received a bid from Dreambuilder on contract 08-0P2804 on September 24, 2014. Dreambuilder listed All American Asphalt (AAA) to perform bid items 24, 25 and 30 (Remove Pavement Marker, Remove Roadside Sign and Clearing and Grubbing) on its Subcontractor's List form. Dreambuilder provided a description of the work to be performed as Hot Mix Asphalt and Rubberized Asphalt (paving only partial).

Caltrans reviewed the bid documents as submitted and determined that the given bid item numbers do not correspond to the description of work to be performed by AAA. As such, Caltrans was unable to interpret the bid as submitted and finds the bid nonresponsive.

Caltrans will proceed to award this contract to the lowest responsive bidder, provided that all requirements have been met.

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

Sincerely,

A handwritten signature in black ink, appearing to read "John C. McMILLAN".

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

**DEPARTMENT OF TRANSPORTATION**

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER, MS 43

1727 30<sup>th</sup> STREET

P. O. BOX 168041

SACRAMENTO, CA 95816-8041

PHONE (916) 227-6280

FAX (916) 227-6282

TTY 711

*Flex your power!  
Be energy efficient!*

December 18, 2012

Facsimile: (925) 552-8254

Arthur D. Brandt, President  
Diablo Contractors, Inc.  
7 Crow Canyon Court, Suite 100  
San Ramon, CA 94583

11-2T1824  
11-SD-805-4.7/5.6  
B.O. 12/6/12

Dear Mr. Brandt:

Diablo Contractors, Inc. (Diablo Contractors) submitted a bid for contract 11-2T1824 on December 6, 2012. By this letter, the Department of Transportation (Caltrans) notifies Diablo Contractors that its bid is nonresponsive because it failed to properly submit the Subcontractor List.

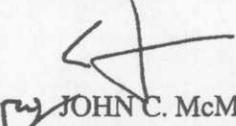
The Subcontractor List form states in part, "...Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916) 227-6282 within 24 hours after the bid opening. Failure to provide complete information in columns 1 through 4 within the time specified will result in a nonresponsive bid." No other revisions to the form are permitted.

Since Harber Companies was originally subcontracted to perform Demolition, but Grinding was added to the revised bid list received on December 7, 2012, Caltrans finds your bid is nonresponsive. Caltrans will proceed to award the contract to the lowest responsible bidder provided all requirements are met.

Your attention is directed to Section 3-1.02 of the Amendments to the 2006 Standard Specifications. Caltrans is not obligated to offer an extension of the award period for a nonresponsive bid. Should you wish to offer to extend your bid while resolving a nonresponsive finding you must send your request to the Office Engineer no later than 4:00 pm two business days prior to the expiration of your bid.

If you have any questions, please contact David Neumann, Contract Awards Senior, at (916) 227-6285.

Sincerely,

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

Attachment

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
**SUBCONTRACTOR LIST**  
DES-05-01022 (REV 3/2011)

Bidder Name: Diablo Contractors, Inc.

The bidder must identify each subcontractor performing work in an amount in excess of 1/2 of 1 percent of the total bid or \$10,000, whichever is greater (Pub Cont Code § 4100 et seq.). 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.

Column 1: Business Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
1) Reycon PO Box 910 Santa Paula, CA 93061	171- 173	100%	Masonry
2) Select Electric PO Box 1457 Spring Valley, CA 91977	289- 299	100%	Electrical
3) Harbor Companies 1880 E Riverview Dr. San Bernardino, CA 92408	48, 50, 153	50%	Demo + Grinding
4) Ace Fence Company 727 North Glendora La Puente, CA 91744	2-3, 29-30, 243- 252, 255- 260	65%	Fencing + Related

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-0410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION  
**SUBCONTRACTOR LIST**  
 DES-OE-0102.2 (REV 3/2011)

Bidder Name: Diablo Contractors, Inc.

The bidder must identify each subcontractor performing work in an amount in excess of 1/2 of 1 percent of the total bid or \$10,000, whichever is greater (Pub Cont Code § 4100 et seq.). 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.

Column 1: Business Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
1) Reycon Santa Paula, CA			Masonry
2) Select Electric Spring Valley, CA			Electrical
3) Harbor Companies San Bernardino, CA			Demo
4) Ace Fence La Puente, CA			Fencing & Related
5) Greco Auburn, CA			Signs
6) Calmex Bloomington, CA			Paving

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 854-6410 or TDD (916) 854-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.