

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER
1727 30th STREET, MS-43
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6299
FAX (916) 227-6282
www.dot.ca.gov/hq/esc/oe



*Flex your power!
Be energy efficient!*

November 19, 2013

Facsimile: (760) 200-9014

Gary Fowler, Estimator
Desert Concepts Construction, Inc.
77-770 Country Club Dr. Ste. D
Palm Desert, CA 92211

11-294804
11-Imp-186-0.0/0.4
B.O. 10/24/2013

Dear Mr. Fowler:

The Department of Transportation (Caltrans) received the attached letter dated November 12, 2013, from Desert Concepts Construction, Inc. (Desert Concepts), protesting the bid submitted by RSM2 Contractors, Inc. (RSM2). The protest alleges that RSM2 altered the Subcontractor's List form by creating its own spreadsheet. The protest further alleges that on the Subcontractor's List forms submitted on October 24, 2013 and October 25, 2013, RSM2 failed to properly fill out columns 1 through 4.

Caltrans reviewed the bid documents, as well as the protest and determined that RMS2 did properly complete its Subcontractor's List form.

Based on the above, Caltrans finds Desert Concepts protest lacks merit and will proceed to award the contract to the lowest responsible bidder, provided that all requirements are met.

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

Sincerely,

A handwritten signature in black ink, appearing to read "John C. McMILLAN", written over a printed name.

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

Attachments

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

Bidder Name: RSM2 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

Column 1: Business Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
DALEY Corporation Lakeside, CA	23	23%	Asphalt, Concrete, Excavation Grading.
	24	18%	
	25	100%	
	26	36%	
	27	55%	
	28	26%	
	29	100%	
	30	25%	
	31 (F)	30%	
	32 (F)	29%	
	33 (F)	44%	
	34	100%	
	45	17%	
	46	42%	
	47	13%	
	67	100%	
	68	30%	
	69	100%	
	70	100%	
	71	100%	
72	100%		
73 (F)	30%		
74 (F)	25%		
75 (F)	17%		
76 (F)	51%		
83	37%		
84	36%		
85	27%		
97	5%		
INLINE - Ramona, CA	86	100%	Fence, Handrail, Cable Railing
	87 (F)	100%	
	88 (F)	100%	
MANERI TRAFFIC CONTROL - Temecula, CA	3	100%	Construction Signs
	4	100%	
	6	100%	
	19	100%	
	20	100%	
	77	100%	
	78	100%	
	79	100%	
	80	100%	
	81	100%	
82	100%		

Contract 11-294804

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

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Column 1: Business Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
PAYCO SPECIALTIES, INC Chula Vista, CA	5	100%	Striping
	16	100%	
	17	100%	
	18	100%	
	89	100%	
	90	100%	
	91	100%	
	92	100%	
SELECT ELECTRIC INC Poway, CA	94	100%	Electrical
	95	100%	
	96	100%	
SUN LANDSCAPE El Centro, CA	21	100%	Landscape and Irrigation
	35	100%	
	36	100%	
	37	100%	
	38	100%	
	39	100%	
	40	100%	
	41	100%	
	42	100%	
	43	100%	
	48	100%	
	49	100%	
	50	100%	
	51	100%	
	52	100%	
	53	100%	
	54	100%	
	55	100%	
	56	100%	
	57	100%	
58	100%		
59	100%		
60	100%		
61 (F)	100%		
62 (F)	100%		
63 (F)	100%		
64	100%		
65 (F)	100%		
66	100%		
COMPLETE METAL FABRICATION INC. El Centro, CA	97	67%	Shelter

Contract 11-294804

RSM2 CONTRACTORS, INC.
CALTRANS # 11-294804

Item No	Item Description	Subcontractor	% of Bid Item Subcontracted
3	CONSTRUCTION AREA SIGNS	maneri	100%
4	TRAFFIC CONTROL SYSTEM	maneri	100%
5	TEMPORARY PAVEMENT MARKING (PAINT)	payco	100%
6	PORTABLE CHANGEABLE MESSAGE SIGN (EA)	maneri	100%
16	REMOVE PAINTED TRAFFIC STRIPE	payco	100%
17	REMOVE PAINTED PAVEMENT MARKING	payco	100%
18	REMOVE THERMOPLASTIC PAVEMENT MARKING	payco	100%
19	REMOVE ROADSIDE SIGN	maneri	100%
20	RESET ROADSIDE SIGN	maneri	100%
21	RELOCATE BOULDERS	sun landscape	100%
23	COLO PLANE ASPHALT CONCRETE PAVEMENT	daley	23%
24	REMOVE CONCRETE (CY)	daley	18%
25	REMOVE CONCRETE CURB (LF)	daley	100%
26	REMOVE CONCRETE SIDEWALK (SQYO)	daley	36%
27	REMOVE WOOD BOLLARO	daley	55%
28	REMOVE METAL BOLLARD	daley	26%
29	REMOVE METAL RAILING	daley	100%
30	ROADWAY EXCAVATION	daley	25%
31 (F)	STRUCTURE EXCAVATION (RETAINING WALL)	daley	30%
32 (F)	STRUCTURE BACKFILL (RETAINING WALL)	daley	29%
33 (F)	PERVIOUS BACKFILL MATERIAL (RETAINING WALL)	daley	44%
34	ROADSIDE CLEARING	daley	100%
35	PREPARE HOLE AT TREE GRATE	sun landscape	100%
36	ROCK MULCH	sun landscape	100%
37	IRON SULFATE (LB)	sun landscape	100%
38	FERTILIZER (PACKET)	sun landscape	100%
39	PLANT (GROUP K)	sun landscape	100%
40	PLANT (GROUP Z)	sun landscape	100%
41	PLANT (GROUP B)	sun landscape	100%
42	PLANT (GROUP U)	sun landscape	100%
43	PLANT ESTABLISHMENT WORK	sun landscape	100%
45	DISPLAY CASE	daley	17%
46	INSTALL DEPARTMENT-FURNISHED TREE GRATE	daley	42%
47	ANTI-SKATING DEVICE	daley	13%
48	CONTROL & NEUTRAL CONDUCTORS	sun landscape	100%
49	1" ELECTRIC REMOTE CONTROL VALVE	sun landscape	100%
50	12 STATION IRRIGATION CONTROLLER	sun landscape	100%
51	IRRIGATION CONTROLLER ENCLOSURE CABINET	sun landscape	100%
52	IRRIGATION SLEEVE	sun landscape	100%
53	CERTIFY BACKFLOW PREVENTERS	sun landscape	100%
54	BACKFLOW PREVENTER ASSEMBLY ENCLOSURE	sun landscape	100%
55	1" BACKFLOW PREVENTER ASSEMBLY	sun landscape	100%
56	SPRINKLER (TYPE B-6)	sun landscape	100%
57	SPRINKLER (TYPE C-2 MOO)	sun landscape	100%
58	SPRINKLER (TYPE C-2)	sun landscape	100%
59	1 1/2" GATE VALVE	sun landscape	100%
60	2 1/2" GATE VALVE	sun landscape	100%
61 (F)	1" PLASTIC PIPE (SCHEDULE 40) (SUPPLY LINE)	sun landscape	100%
62 (F)	1 1/2" PLASTIC PIPE (SCHEDULE 40) (SUPPLY LINE)	sun landscape	100%
63 (F)	2" PLASTIC PIPE (SCHEDULE 40) (SUPPLY LINE)	sun landscape	100%
64	3/4" QUICK COUPLING VALVE	sun landscape	100%

Received
Oct. 25. 2013- 1:07PM RSM2 Contractors 619-698-7701

Oct 25 2013 01:13pm No. 2757—P. 3

65 (F)	UNGRADED HIGH DENSITY POLYETHYLENE PIPE CONDUIT	sun landscape	100%
66	COMPOST (BASIN)	sun landscape	100%
67	ASPHALTIC EMULSION (FOG SEAL COAT)	daley	100%
68	HOT MIX ASPHALT (TYPE A)	daley	30%
69	MINOR HOT MIX ASPHALT	daley	100%
70	PLACE HOT MIX ASPHALT DIKE (TYPE E)	daley	100%
71	PLACE HOT MIX ASPHALT (MISCELLANEOUS AREA)	daley	100%
72	TACK COAT	daley	100%
73 (F)	RETAINING WALL STEM (TYPE B)	daley	30%
74 (F)	STRUCTURAL CONCRETE, RETAINING WALL	daley	26%
75 (F)	MINOR CONCRETE (MINOR STRUCTURE) (COLORED)	daley	17%
76 (F)	BAR REINFORCING STEEL (RETAINING WALL)	daley	51%
77	FURNISH SINGLE SHEET ALUMINUM SIGN (0.063"-UNFRAMED)	maneri	100%
78	FURNISH SINGLE SHEET ALUMINUM SIGN (0.063"-FRAMED)	maneri	100%
79	FURNISH SINGLE SHEET ALUMINUM SIGN (0.080"-FRAMED)	maneri	100%
80	ROADSIDE - ONE POST	maneri	100%
81	ROADSIDE SIGN - TWD POST	maneri	100%
82	INSTALL SIGN (STRAP & SADDLE BRACKET METHOD)	maneri	100%
83	MINOR CONCRETE (CURB & GUTTER)	daley	37%
84	MINOR CONCRETE (COLORED)	daley	36%
85	MINOR CONCRETE (SEEDED AGGREGATE)	daley	27%
86	CHAIN LINK FENCE (TYPE CL-4)	inline	100%
87 (F)	HANDRAILING	inline	100%
88 (F)	CABLE RAILING (MODIFIED)	inline	100%
89	PAINT TRAFFIC STRIPE (1-COAT)	payco	100%
90	4" THERMOPLASTIC TRAFFIC STRIPE (ENHANCED WET NIGHT VISIBILITY)	payco	100%
91	THERMOPLASTIC CROSSWALK & PAVEMENT MARKING (ENHANCED WET NIGHT VISIBILITY)	payco	100%
92	PAVEMENT MARKER (RETROREFLECTIVE)	payco	100%
94	LIGHTING (LOCATION 1)	select	100%
95	LIGHTING (LOCATION 2)	select	100%
96	ELECTRIC SERVICE (IRRIGATION)	select	100%
97	SHELTER	daley/CMFI	DALEY - 5%, CMFI - 67%



DESERT CONCEPTS

77-770 Country Club Drive Palm Desert, CA 92211 Phone: (760) 200-9007 Fax: (760) 200-9014 mail@desertconcepts.net

Department of Transportation
To: John C. McMillan From: Gary

Fax: 916-227-6282 Pages: 7

Phone: _____ Date: 11/12/13

Re: 11-294804 CC: _____

Urgent For Review Please Comment Please Reply

Comments:

*Please see Attached
Thank you*



FACSIMILE TRANSMITTAL

TO: Department of Transportation - Sub List FAX: 916-227-6282
Bid: Contract 11-294804
FROM: RSM2 Contractors, Inc. DATE: October 25, 2013
Katie Smith
RE: Subcontractor List PAGES: 3 (Including cover page)
CC:
SUB:

- URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES:

To Whom It May Concern:

Please see the attached subcontractor list for the Caltans Contract 11-294804 Construct bicycle and pedestrian facilities that bid yesterday, 10/24/13. If you need anything further, please let us know.

Katie Smith
RSM2 Contractors, Inc.

Handwritten note: must use document provided in book

RSM2 Contractors, Inc.
8191 Center Street, La Mesa, CA 91942
Office: 619-698-7777
Fax: 619-698-7701

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

Bidder Name: SM 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) 227-8282 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
Maneri Temecula, CA	3, 4, 6 19, 20, 77-82		Construction Signs Traffic Control & Signs
Payco Chula Vista	5, 16-18, 89-92		Striping
Sun Landscape El Centro	21, 35-43, 48-66		Land scape and Irrigation RELOCATE BOWLERS
Daley Corporation Lakeside, CA	23-34, 45-47 67-75, 76 83-85 91-95 , 97		Asphalt, Concrete, Excavation Display Case, Install Tree Gate Grading, Demo, Shelter
Universal Process	41, 75		Trash receptacle, Minor concrete CB
Inline Ramona, CA	86-88		Fence, Hand railing, Cable Railing

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 854-6410 or TDD (916) 854-3680 or write Records and Forms Management, 1120 N Street, M6-89, Sacramento, CA 95814.

hand

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

Bidder Name: PSM 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
Select Electric Paway, CA			ELECTRICAL
Complete metal Fabrication Ei Centro, CA			SHELTER

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nan



FACSIMILE TRANSMITTAL

TO: Department of Transportation - Sub List
Bid: Contract 11-294804

FAX: 916-227-6282

FROM: RSM2 Contractors, Inc.
Katie Smith

DATE: October 25, 2013

RE: Subcontractor List

PAGES: 3 (including cover page)

CC:

SUB:

URGENT

FOR REVIEW

PLEASE
COMMENT

PLEASE REPLY

PLEASE RECYCLE

NOTES:

To Whom It May Concern:

Please see the attached subcontractor list for the Caltans Contract

11-294804 Construct bicycle and pedestrian facilities that bid yesterday,
10/24/13. If you need anything further, please let us know.

Katie Smith
RSM2 Contractors, Inc.

RSM² Contractors, Inc.
8191 Center Street, La Mesa, CA 91942
Office: 619-698-7777
Fax: 619-698-7701



**DESERT
CONCEPTS
CONSTRUCTION, INC.**

77-770 Country Club Dr., Suite D
Palm Desert, California 92211
Phone (760) 200-9007
Fax (760) 200-9014
Lic. #849837
www.desertconcepts.net

November 12, 2013

Department of Transportation
Attn: John C. McMillan
Office Engineer MS-43
1727 - 30th Street
Sacramento, CA. 95816

RE: Contract No. 11-294804,
Bid Protest 1

Desert Concepts Construction would like to protest the bid of RSM2 in the reference project. RSM2 altered the subcontractor bid forms by creating their own spread sheet, the correct documents subcontractor list must be filled out on Caltrans supplied forms. Subcontractor list 1 thru 4 must be filled out; Daley Corporation is providing 29 quotes for bid item quantities without descriptions for each individual bid item, at the bottom of each list the contract number is handwritten in.

Under Maneri, item 4 is described as traffic control; column 4 makes no mention of traffic control, only construction area signs. RSM2 re-cap sheet lists all items and percentages, but the bid item No. is in the list column, then subcontractor name. Finally on the subcontractor list turned in all of column 3 is missing, see attached documents.

Desert Concepts Construction, believes RSM2 is non-responsive in submitting their bid package for this project.

Sincerely,

A handwritten signature in cursive script that reads "Gary Fowler".

Gary Fowler,
Estimator

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

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

Nov 19 2013 04:22pm

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
917602009014	Normal	19:04:22pm	0'00"	0	D.O.2	
↑ Line Busy		Line is busy.				

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER
1727 30th STREET, MS-43
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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

Attachments

McBride, Thomas M@DOT

From: McBride, Thomas M@DOT
Sent: Wednesday, November 20, 2013 8:21 AM
To: 'mail@desertconcepts.net'
Subject: 11-294804 Caltrans Response Letter
Attachments: 11-294804 Caltrans Response Letter.pdf

Please see attached file.

Thomas McBride
DES OE Contract Awards
916-227-6261 (phone)
916-227-6282 (fax)