

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER

P.O. BOX 168041, MS-43

SACRAMENTO, CA 95816-8041

PHONE (916) 227-6299

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www.dot.ca.gov

*Serious drought.
Help save water!*

November 25, 2014

Facsimile: (858) 453-6034

Jason A. Mordhorst, Vice President
Hazard Construction Company
P.O. Box 229000
San Diego, CA 92192-9000

11-406904
11-SD-8-R25.9/R32.2
B.O. 10/21/2014

Dear Mr. Mordhorst:

The Department of Transportation (Caltrans) received the attached letter dated October 29, 2014, from Hazard Construction Company (Hazard), protesting the bid submitted by Daley Corporation (Daley) for Contract 11-406904. The protest alleges;

1. On bid day Daley identified Payco Specialties Inc., to perform work described as Striping & Bridge Deck Prep. (portion) and on the 24 hour submittal provided the following bid items;
 - 5 Traffic Control System
 - 15 Remove Painted Traffic Stripe
 - 19 Prepare Concrete Bridge Deck Surface
 - 53 Paint Traffic Stripe (1-Coat)
 - 54 6" Thermoplastic Traffic Stripe (Enhanced Wet Night Visibility),
 - 55 8" Thermoplastic Traffic Stripe (Enhanced Wet Night Visibility)
 - 56 Thermoplastic Crosswalk and Pavement Marking (Enhanced Wet Night Visibility)
 - 57 6" Thermoplastic Traffic Stripe (Enhanced Wet Night Visibility Broken 17-7)
 - 58 6" Thermoplastic Traffic Stripe (Enhanced Wet Night Visibility Broken 36-12)
 - 59 Pavement Marker (Non-Reflective)
 - 60 Pavement Marker (Retro-Reflective),
 - 63 Mobilization

Daley's Disadvantaged Business Enterprise (DBE) Commitment form is not consistent with the Subcontractors List Form in that Daley listed these same items of work for Payco and included, bid item 1, Lead Compliance Plan (portion).

2. Traffic Control is not related to Striping and Bridge Deck Prep.

Hazard requests that Caltrans find Daley nonresponsive and award the contract to Hazard.

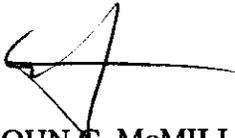
Caltrans reviewed the bid documents submitted by Daley and determined the following;

1. The work associated with bid item 1, Lead Compliance Plan is not defined by the Business and Professional Code as work, requiring a license for that of a contractor and this item is not considered work subject to the Public Contract Code 4100 (et.seq). Therefore, Daley was not required to list this item on its Subcontractors List form.
2. Caltrans has determined that this small portion of Traffic Control (7.81 percent) is directly related to performing the work described as Striping & Bridge Deck Prep (portion).

Based on the above findings, Caltrans finds that Hazard's protest will not have any bearing on the award of this contract and Caltrans will proceed to award the contract to the lowest responsible bidder provided that all requirements have been met.

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

TRANSMISSION VERIFICATION REPORT

TIME : 11/25/2014 16:42
NAME : OE AWARDS
FAX : 9162276320
TEL : 9162276299
SER. # : BROM3J484361

DATE, TIME	11/25 16:41
FAX NO./NAME	918584536034
DURATION	00:00:24
PAGE(S)	02
RESULT	OK
MODE	STANDARD ECM

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

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- 66 Thermoplastic Concrete and Pavement Marking (Enhanced Wet Night Visibility)