



Lic #743775

July 23, 2013

John McMillan
Department of Transportation
Division of Engineering Services
Office Engineer, MS 43
1727 30th Street
Sacramento, CA 95816-8041

Re: Contract Number 12-0L7504
Bid Opening Date: June 20, 2013
Bid Protest - Peterson Chase (Apparent 1st Low Bidder)

Dear Mr. McMillan:

We hereby protest the award of the above-mentioned contract to the 1st apparent low bidder Peterson Chase for the following reasons:

Failure to List Subcontractor Public Contract Code 4106:

Peterson Chase failed to list a subcontractor for Item # 2 "Construction Area Signs" and Item #3 "Traffic Control Systems" and claimed DBE participation by listing Enor Innovations to perform work for these two items.

Public Contract Code Section 4106 states, in pertinent part, that,

*If a prime contractor fails to specify a subcontractor or if a prime contractor specifies more than one subcontractor for the same portion of work to be performed under the contract in excess of one-half of 1 percent of the prime contractor's total bid, the prime contractor agrees that he or she is **fully qualified** to perform that portion himself or herself, and that the prime contractor shall perform that portion himself or herself. If after award of contract, the prime contractor subcontracts, except as provided for in Sections 4107 or 4109, any such portion of the work, the prime contractor shall be subject to the penalties named in Section 4111.*

Due the failure to list this subcontractor in its bid, whose work consists of approximately 4.82% of the said contract, Peterson Chase should be deemed non-responsive.

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DBE Goal & Good Faith Effort

By disallowing Enor Innovations participation for failing to list them as a subcontractor, Peterson Chase has failed to meet the required DBE Goal and did not provide a Good Faith Effort in the event the DBE Goal for this contract was not met.

By disallowing the claimed amount of \$29,742.08 for "various items" as listed in Peterson Chase's DBE Commitment, thereby reduces the total claimed participation by Peterson Chase to 3.2%, which does not meet the stated goal of the contract, which is 8%.

Lastly, a non-responsive determination of Peterson Chase, due to aforementioned mentioned reasons, would make HighLand Construction, Inc. the next apparent lowest bidder and eligible for award of this contract. As such, we hereby request award of Contract #12-0L7504 as the lowest most responsive and responsible bidder.

If you have any further questions, please do not hesitate to contact our office. Thank you.

Respectfully,



Kristi Stelle
VP of Operations

KS:er
Attachments (8)
VIA: FAX & GSO

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
CALTRANS BIDDER - DBE - COMMITMENT
 DES-OE-0102.10C (NEW 08/2012)

Second Bidder

This information may be submitted with your bid proposal. If it is not, and you are the apparent low bidder or the second or third low bidder, it must be submitted and received as specified in section 2 of the specifications. Failure to submit the required DBE information will be grounds for finding the bid nonresponsive.

CONTRACT NO: 12-0L-7504

BID AMOUNT: \$ 6,600,890

BID OPENING DATE: 6/20/13

BIDDER'S NAME: Peterson-Crase GEC, Inc.

DBE GOAL FROM CONTRACT: 8%

DBE PRIME CONTRACTOR CERTIFICATION:

BID ITEM NO	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED	FOR CALTRANS USE ONLY	NAME OF DBE (Must be certified Bid on the date bid is opened - include Caltrans certification #, DBE address and phone number) (Indicate 2nd and lower tier subcontractors)	DOLLAR AMOUNT DBE
72, 73	Railings		Ace Fence Co. Lo Puenete CA 626-353-0727 #24153	6,300.-
74	Rebar		integrity Rebar Perks, CA 951-696-6843 # 34785	13,457.92

IMPORTANT: Identify all DBE firms being claimed for credit, regardless of the names of the First Tier DBE Subcontractors and their respective item(s) of work listed above must be consistent, where applicable, with the names and items of work in the "Subcontractor List" submitted with your bid. Copies of the DBE quotes are required.

- DBE prime contractors must enter their certification number and indicate all work to be performed by DBEs including work performed by its own forces.
- If 100% of item is to be performed or furnished by DBE, describe exact portion of item to be performed or furnished.
- See section 2-1.12 of the specifications to determine the credit allowed for DBE firms.

Submit to:

MSC 43
 DEPT. ENGINEER
 DEPARTMENT OF TRANSPORTATION
 1727 30TH STREET
 SACRAMENTO, CA 95816-7006

\$ continued...

Total Certified Participation

Greg Chase
 Signature of Bidder

6/20/13 (949) 252-0441
 Date (Area Code) Tel. No.

GREG CHASE
 Print Name of Bidder (Please Type or Print)

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-2980 or write Records and Forms Management, 1120 N Street, MS-08, Sacramento, CA 95814.

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
CALTRANS BIDDER - DBE - COMMITMENT
DES-DE-016210C (HCW 36/2012)

This information may be submitted with your bid proposal. If not, and you are the apparent low bidder or the second or third low bidder, it must be submitted and received as specified in section 3 of the specifications. Failure to submit the required DBE information will be grounds for finding the bid non-responsive.

CONTRACT NO. 12-OL7504

BID AMOUNT \$ 606,890

BID OPENING DATE 6/20/13

BIDDER'S NAME Peterson-chase GEC, Inc.

DBE GOAL FROM CONTRACT 8%

DBE PRIME CONTRACTOR CERTIFICATION

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BID ITEM NO	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED?	FOR CALTRANS USE ONLY	NAME OF DBE (Must be certified on the date bids are opened. Include Caltrans certification #, DBE address and phone number) (include 2nd and 3rd tier subcontractors)	DOLLAR AMOUNT DBE?
	Traffic Control/construction signs		E-Nor Innovations	29,742.08
	Traffic Control "Item #3"			
	Construction Area Signs "Item #2"		NO QUOTE?	

IMPORTANT Identify all DBE firms being claimed for credit, regardless of the names of the first tier DBE subcontractors and their respective contract(s) of work. Item # signs must be consistent, where applicable, with the names and rates of work in the "Subcontractor List" submitted with your bid. Copies of the DBE quotes are required.

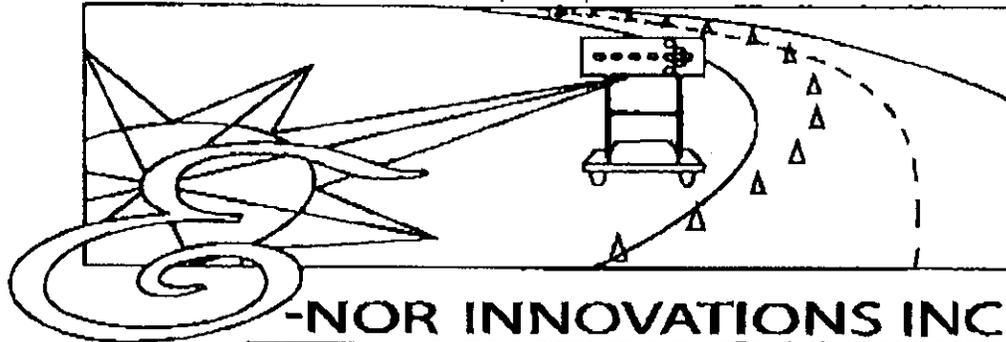
- DBE prime contractors must enter their certification number and certify all work to be performed by DBEs including work performed by its own forces.
- If 100% of item is not to be performed or furnished by DBE, describe what portion of item to be performed or furnished.
- See section 2-1.1.2 of the specifications to determine the credit allowed for DBE firms.

Submit to

MRC 43
OFFICE ENGINEER
DEPARTMENT OF TRANSPORTATION
1717 J STREET
SACRAMENTO, CA 95816-7108

Total Claimed \$49,500.00
 18 19,757.92
 3.26
 Signature of Bidder
 Date 6/20/13 (949) 252-0441
 (Area Code) Tel. No.
 GREG CHASE
 Person to Contact (Please Type or Print)

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 454-8417 or TDD (916) 694-3390 or write Records and Forms Management, 1120 J Street, MS-38, Sacramento, CA 95816.



DVBE/SBE CERTIFIED CO. LIC. #931953

(310)513-6209 Ph 310-513-6299 Fax

DVBE/SBE# 37084

U DBE/MBE/SBE CUCP #37718

GENERAL A, C31/D42 STATE LICENSE #931953

****UNION CONTRACTOR****

6/20/13

Bidding Estimator

PROJECT: Ramp Widening

PROJECT NUMBER 12-01/7504

BID DATE 6/20/13 BID TIME 2PM

DVBE/SBE #37084 DISABLED VETERAN

Subcontractor Item # 3

ITEM	DESCRIPTION	COST
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TRAFFIC CONTROL SYSTEMS		PER DAY.
1	ONE LANE, ONE DIRECTION, TWO MAN CREW ONE MILE, ONLY 8HR SHIFT PRICE INCLUDES 150 CONES, 1 ARROWBOARD 3 AWS, 4 C30, 1 BEACON	\$ 1,650
2	FOR EACH ADDITIONAL LANE ADD	\$ 200
3	FOR EACH ADDITIONAL MILE ADD	\$ 200
4	ADDITIONAL RAMP CLOSURE ADD	\$ 200
5	CITY STREET LANE CLOSURE 8HR SHIFT 75 CONES, 3 AWS, 2 C30, 1 ARROWBOARD	\$ 1,650
6	RAMP CLOSURE 1-4 RAMP PER LOCATION 8HR SHIFT 150 CONES, 2 C2, 8 PLAIN BARRICADES, 4 R3-2, 4 R3-1, 2 W20-3.	\$ 1,650
7	SHOULDER CLOSURES 8HR SHIFT 100 CONES, 3 AWS, 3 SMALL SIGNS	\$ 1,650
8	DETOUR RAMP CREW 8HR SHIFT 25 FRWY DETOUR	\$ 1,650
9	ATTENUATOR TRUCK WITH DRIVER 8HR SHIFT	\$ 976
10	3MAN WITH PILOT CAR 8HR SHIFT	\$ 2,550

10. PER DEIM CHARGE WILL BE CHARGED FOR OVERNIGHT STAYS PER DAY \$ 230

11. ATTENUATOR TRUCK DAILY \$400, WEEKLY \$1,300, 4 WEEK RENTAL \$4,000
Mileage \$0.49 per mile

12. CMS UNIT RENTAL

13. ARROWBOARD RENTAL

DAILY	\$40 EA	WEEKLY \$240 EA	MONTHLY \$600 EA
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14.

DELIVERY/PICK UP EACH WAY	EA EQUIPMENT	\$	100
ADDITIONAL FRWY DETOUR SIGNS WILL BE BILLED AT EACH PER DAY		\$	5

ALLOW 1HR SET UP / 1 HR PICK UP

ALL PROVISIONS: WILL BE ADDED AS PART OF CONTRACT BEFORE PROCEEDING.
NO CONTRACT WILL BE SIGNED UNLESS ALL PROVISION ARE INCLUDED.

- A. OVERTIME WILL BE BILLED AT \$108 EACH MAN PER HOUR AFTER 8HRS SHIFT. DOUBLETIME WILL BE BILLED AT \$125 EACH MAN PER HOUR AFTER 12HR SHIFT.
- B. MULTIPLY RATES BY 1.5 FOR SATURDAYS AND 2 FOR SUNDAYS AND HOLIDAYS AND AFTER 12 HOURS OF WORK.
- C. E-NOR INNOVATIONS INC. IS A UNION CONTRACTOR.
- D. PAYMENT IS DUE WITHIN 30 DAYS FROM INVOICE DATE 1.5% MONTHLY FINANCE CHARGE AFTER 30 DAYS.
- E. IF REQUIRED ADDITIONAL EQUIPMENT (I.E. CHANGEABLE MESSAGE SIGN, ATTENUATOR TRUCK) TO BE PROVIDED BY E-NOR INNOVATIONS INC AT ADDITIONAL CHARGES.
- F. PRIME CONTRACTOR IS RESPONSIBLE TO OBTAIN ALL PERMITS REQUIRED FROM CITIES INVOLVED.
- G. PRIME CONTRACTOR IS RESPONSIBLE TO COORDINATE AND PAY FOR HIGHWAY PATROL UNIT.
- H. ADDITIONAL 3 1/2 PERCENT INCREASE ADDED EVERY YEAR ON JUNE 30TH. THIS PROPOSAL WILL BECOME PART OF ANY CONTRACT.
- I. IF SPECIAL WORDING INSURANCE IS NEEDED THE AMOUNT TO BE PAID BY CONTRACTOR ALONG WITH WAIVERS OF SUBROGATION INSURANCE THE 3% OF PAYROLL WILL BE CHARGED TO CONTRACTOR. IF NOTARY SERVICES ARE REQUIRED, PRIME CONTRACTOR IS RESPONSIBLE FOR THOSE CHARGES.
- K. EXCLUDES SPECIAL INSURANCE REQUIREMENTS. (I.E. INCREASED GENERAL LIABILITY FOR RAILROAD INSURANCE)
- L. IF EQUIPMENT IS RENTED FOR SET UP ONLY, CONTRACTOR IS RESPONSIBLE FOR CLOSURE UNTIL E-NOR INNOVATIONS INC. PICKS UP CLOSURE.
- M. ALL SIGN AND MARKER LOCATION / MARK-OUT TO BE DONE BY OTHERS AND MUST BE COMPLETED PRIOR TO E-NOR INNOVATIONS, INC. STARTING WORK. INC. IS NOT RESPONSIBLE FOR DAMAGE TO UNDERGROUND FACILITIES, NOT SHOWN ON PLANS OR, NOT MARKED OUT BY OTHER AGENCIES. (IE. CALTRANS)
- N. ALL CHANGE ORDER WORK MUST BE APPROVED BY AGENCY / OWNER PRIOR TO

- O. CONTRACTOR WILL BE CHARGED FOR ENOR INNOVATIONS INC. EMPLOYEES STAFF FOR ALL CLASSES/TRAINING FOR PROJECT.
- P. E-NOR INNOVATIONS INC. RESERVES RIGHT TO SUBCONTRACT WORK TO COMPLETE PROJECT.
- Q. NO WORK WILL BE PERFORMED UNTIL THIS PROPOSAL IS SIGNED AND FAXED/MAILED TO OUR LONG BEACH OFFICE.
- R. E-NOR INNOVATION CHARGES PORTAL TO PORTAL.
- S. E-NOR INNOVATIONS INC., IS A SUPPLIER OF NON-MANUFACTURE ITEMS
- T. K-RAIL, SALES OR RENTAL WITH INSTALLATION, IS AVAILABLE.

E-Nor Innovations
1950 E 220TH ST SUITE 100-101
Long Beach, CA 90810

Should you have any questions, please contact me at (310) 513-6209. We look forward to working with you.

Sincerely,
Chip Carpenter

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
 DES-06-0102.2 (REV 3/2011)

**PETERSON-CHASE GENERAL ENGINEERING
 CONSTRUCTION INC.**
 Bidder Name: _____

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
Ace Fence La Puente, CA	72,73	100	railing
Hardy & Harper Santa Ana, CA	53,57	100	Asphalt
Pacific Team La Habra, CA	83,84,85	100	Electrical
Pavement Rec. Sys. Jurupa Valley, CA	30	100	Cold Plane
Cal Stripe Colton, CA	15,19-23 75-82	100	striping & stripe removals
Sierra Landscape Arcadia, CA	85,36-51	100	Pltg & Irrig.

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

**PETERSON-CHASE GENERAL ENGINEERING
CONSTRUCTION INC.**

Bidder Name: _____

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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
<i>Integrity Rebar Perris, CA</i>	<i>74</i>	<i>2</i>	<i>Furnish Rebar</i>

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DH

**PETERSON-CHASE GENERAL ENGINEERING
CONSTRUCTION INC.**

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

Bidder Name: _____

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) 227-6262 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

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HighLand
Construction, Inc.

Lic. #743775

FACSIMILE TRANSMITTAL SHEET

TO: John McMillan	FROM: Kristi Stelle
COMPANY: Department of Transportation	DATE: 7/23/2013
FAX NUMBER: 916-227-6282	TOTAL NO. OF PAGES INCLUDING COVER: 10
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE: 12-0L7504 ~BID PROTEST	YOUR REFERENCE NUMBER:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Please see attached.

Originals to follow via Golden State Overnight.

If you did not receive any of the pages indicated, please call (714) 538-5156. Thank you.