

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 30th 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!*

May 2, 2013

Facsimile: (209) 263-0123

Mike Bross, Vice President
Chester Bross Construction Company
39 California Street, PMB 118
Valley Springs, CA 95252

06-0P6104
06-Kin,Tul-43-18.2/27.2, 9.5/22.7
B.O. 04/09/2013

Dear Mr. Bross:

The Department of Transportation (Caltrans) received the attached letter dated April 24, 2013, from Chester Bross Construction Company (Chester Bross) protesting bid documents submitted by Synergy Project Management (Synergy), specifically, the Subcontractor's list. The protest alleges that Synergy revised their Subcontractor List by adding subcontracted work that was not on their submitted bid form. Chester Bross requests Caltrans find Synergy nonresponsive award the contract to Chester Bross.

Caltrans did not complete an evaluation of this protest since the bid submitted by Synergy was found nonresponsive.

Based on the above action, Caltrans 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

Attachment



April 24, 2013

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 30TH STREET
P.O. BOX 168041
SACRAMENTO, CA 95816-0041
PHONE (916) 227-8300
FAX (916) 227-6282

ATTN: Mr. John C. McMillan
Deputy Division Chief

Subject: 06-0P8104 TULARE AND KINGS COUNTIES NEAR HANFORD RT 43
FEDERAL PROJECT NO. ACSTP- P043(043)E

Re: FORMAL PROTEST OF BID SUBMITTED BY SYNERGY PROJECT MANAGEMENT,
INC.

Dear Mr. McMillan,

Please consider this letter to be a formal protest of the bid submitted by Synergy Project Management, Inc. (Synergy) in connection with Contract No. 06-0P8104. Chester Bros Construction is presently the Second Lowest bidder on the subject project. Synergy's bid is nonresponsive and therefore must be rejected based on the Department's bidding requirements and strictly-enforced policies.

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.*

In violation of this express requirement of the bid documents, Synergy revised its Subcontractor List form by adding subcontracted work that was not listed on their submitted bid form. Chrisp Company from Stockton California was originally listed by Synergy to perform Striping (Partial) temporary & permanent. Synergy then submitted the completed 24 hour Subcontractor listing with definite changes to the original document as submitted with the bid. More specifically, Synergy added Bid Item #1 Lead Compliance Plan and Bid Item #3 Traffic Control System for Chrisp Company on the 24 hour subcontractor list submittal. Bid items 1 and 3 were not referenced, described or listed on Synergy's original submittal, and bid items 1 and 3 are not considered temporary or permanent striping work. Based on this fact and substantiated by Caltrans past precedence, Caltrans should find Synergy's bid nonresponsive and award the contract to the lowest responsive bidder, Chester Bros Construction.

An additional or secondary point could be made that the original subcontractor list submittal by Synergy clearly defined the entire scope of work for Chrisp Company as being (partial) when in fact upon review of the Synergy 24 hour subcontractor list submittal, bid items 8, 21, 22, 23, 25, and 26 are shown to be 100% Chrisp items of work. This change from originally listed (partial) performance in column 4 to 100% item performance on numerous permanent striping bid items is a direct conflict and change from

the original Synergy submittal. As such, based on this additional fact, Caltrans should find Synergy's bid nonresponsive and award the contract to the lowest responsive bidder, Chester Bross Construction.

As a third point in Synergy's violation of the express requirements of the bid documents, Synergy added bid item 7 and 8 to the 24 hour subcontractor list submittal. Bid item 7 is "REMOVE THERMOPLASTIC TRAFFIC STRIPE" and bid item 8 is "REMOVE THERMOPLASTIC PAVEMENT MARKING". Again, the Description of Subcontracted Work for Chrisp Company under Column 4 on the original submittal was clear and specific, "Striping (Partial) temporary & Permanent". Bid items 7 and 8 were not referenced, described or listed on Synergy's original submittal, and bid items 7 and 8 are not considered temporary or permanent striping work. Based additionally on these facts, Caltrans should find Synergy's bid nonresponsive and award the contract to the lowest responsive bidder, Chester Bross Construction.

Caltrans has been consistent in its requirement that bid item work listed under Column 2 must fall under the category and/or be a component of work listed under column 4. Additional bid items or scopes of work cannot be added on the revised bid list, or subsequent 24 hour submittal. Any such deviations as evident on the Synergy submittals specific to this project have and will lead Caltrans to find a bid to be nonresponsive.

Caltrans has consistently found bidders to be nonresponsive for Subcontractor List revisions similar to those made by Synergy in its bid submitted for this project. Caltrans Contracts 10-0A8404, 10-0A8724, 04-3A23U4 and 04-153204 are a few examples of similar determinations (see attached), with several additional contracts presently being reviewed by the department for Subcontractor List revisions of the same nature. The Department owes a duty to enforce its bid requirements in a fair and uniform manner consistent with set precedence, and in keeping with the governing Subletting and Subcontracting Fair Practices Act of the Public Contract Code. Accordingly, because Synergy has violated the Department and governing bid requirements by seeking to change its subcontractor listings after bids were submitted and opened publically, Synergy's bid for the subject project must be rejected as nonresponsive.

Based on the facts presented herein, it is respectfully and formally requested that the Department uphold and validate Chester Bross Construction's bid protest and award the contract to our company, which submitted the lowest responsive and responsible bid for Contract No. 06-0P6104.

Thank you for your attention to this matter and please feel free to contact me if you have any questions.

Very truly yours,



Shawn N. Simmons
Western Division Manager

Via FedEx to the address above
Via Facsimile to (916) 227-6282

---WESTERN DIVISION---
89 California Street, PMB 150
Vallejo Springs, CA. 95252
709-747-3525 Phone
209-289-9525 Fax
---CORPORATE OFFICE---
6739 CR 423
Palmira, MO 63461
P.O. Box 438
Hannibal, MO 63401
673-221-6988 (phone)
673-221-1882 (fax)
E-mail: info@propprolog.com

Synergy Project Management
 150 Executive Park Blvd # 4100
 San Francisco, CA 94134
 Ph: 415-467-3000 Fax: 415-467-3001

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
 DES-OE-01022 (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) 227-6282 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
Apadana Engineering Inc. San Francisco, CA			Paving (partial)
Chwier Company Stockton, CA			Striping (Partial) Temporary & Permanent
Phoenix Electric San Francisco, CA			maintain Traffic management System (Partial)

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 854-6410 or TDD (916) 854-3180 or write Records and Forms Management, 1120 N Street, MS-83, Sacramento, CA 95814.

DH

Received

Apr 10 2013 01:45pm

150 Executive Park Blvd. # 4100
San Francisco, CA 94134
Ph: 415-467-3000 Fax: 415-467-3000

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
DES-OE-01022 (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) 227-6282 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
Apodama Engineering Inc. San Francisco, CA	15	50%	Painting (partial)
	16	19%	
Chrisp Company Stockton, CA	01	60%	Temporary and Permanent Striping (partial)
	03	24%	
	07	65%	
	08	100%	
	21	100%	
	22	100%	
	23	100%	
	24	50%	
Phoenix Electric San Francisco, CA	25	100%	Maintain Traffic Management System (partial)
	26	100%	
	27	60%	

ADA Notice: For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 854-0410 or TDD (916) 854-3000 or visit Records and Forms Management, 1120 N Street, MS-66, Sacramento, CA 95814.

.. 52

~~STATE OF CALIFORNIA - BUSINESS TRANSPORTATION AND CONSTRUCTION AGENCY~~

~~COMMUNIC. BRANCH~~

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 JRD STREET
P. O. BOX 160041
SACRAMENTO, CA 95816-0041
PHONE (916) 227-6280
FAX (916) 227-6282
TTY 711



*Flex your power!
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January 17, 2012

Facsimile: (925) 687-2122

Benjamin L. Rodriguez Jr., President
Bay Cities Paving and Grading, Inc.
P.O. Box 6227
Concord, CA 94520

10-0A8404
10-Sac, SI, Sol-5, 12-Vav
B.O. 12/7/11

Dear Mr. Rodriguez:

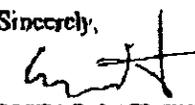
The Department received the attached revised "Subcontractor List" on December 7, 2011, for Contract No. 10-0A8404 from Bay Cities Paving and Grading, Inc. (Bay Cities). In the revised list Bay Cities included bid items 20, 24, 26, 34, 35, 37, 38, 68 - 71, 74, 75, 89, and 90 to column 2 for Farwest of Lodi which does not match up with the description in column 4. This letter is to inform you that the Department cannot accept the revised "Subcontractor List" as it would violate the Subletting and Subcontracting Fair Practices Act of the Public Contract Code. The subcontractor list originally submitted by Bay Cities with its bid on December 7, 2011 will be used.

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. Bay Cities added bid item numbers listed in column 2 which don't match up with the description in column 4 for Farwest of Lodi.

Based on the above, the Department finds your bid is nonresponsive. The Department will proceed to award the contract to the lowest responsible bidder provided all requirements are met.

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

Sincerely,


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

Attachment

c: Desiva Gates Construction
P.O. Box 2909
Dublin, CA 94568
Fax (925) 803-4263

STATE OF CALIFORNIA - BUSINESS TRANSPORTATION AND LOGISTICS AGENCY

FRANCISCO S. BERTIERI, Jr. Governor

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 30th STREET
P. O. BOX 168041
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6300
FAX (916) 227-6228
TTY 711



*Flex your power!
Be energy efficient!*

June 5, 2012

Facsimile: (209) 523-4977

Ed Berlier, Vice President
George Reed, Inc.
P. O. Box 4760
Modesto, CA 95352

10-0A8724
10-Sta-219,108-3.4/7.9,44.3/44.9
B.O. 5/1/12

Dear Mr. Berlier:

George Reed, Inc. (George Reed) submitted a bid on contract 10-0A8724 on May 1, 2012. By this letter, the California Department of Transportation (Caltrans) notifies George Reed that its bid is nonresponsive because it listed Farwest Safety, Inc. to perform bid item 24 (Temporary Crash Cushion Module) and bid item 56 (Remove Crash Cushion Module) on its 24 hour subcontractor list submittal.

George Reed's original submittal lists Farwest Safety, Inc. to do sign work. Bid items 24 and 56 are not considered sign work.

Based on the above, Caltrans finds your bid is nonresponsive and will award the contract to the lowest responsible bidder.

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

Sincerely,


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

Attachment

c: Bay Cities Paving & Grading, Inc.
P. O. Box 6227
Concord, CA 94524-1227
Fax: (925) 687-2122

04/24/2013 10:26

Received
2097723183

Apr 24 2013 10:32am
MAILDEPOTETC

PAGE 07/08

04/05/2013 15:33

Received
4154548376

Apr 5 2013 03:26pm
GHILOTTI BROS

PAGE 05/06

~~STATE OF CALIFORNIA - BUSINESS TRANSPORTATION AND BUSINESS AGENCY~~

~~RONALD G. BROWN, Jr. Governor~~

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 30th STREET
P. O. BOX 160041
SACRAMENTO, CA 95816-0041
PHONE (916) 227-6200
FAX (916) 227-6282
TTY 711



*Flak your power!
Be energy efficient!*

August 23, 2012

Facsimile: (510) 526-0990

Greg Souder, Secretary
O.C. Jones and Sons, Inc.
1520 Fourth Street
Berkeley, CA 94710

04-3A23U4
04-Son-101-25.6/29.2
B.O. 8/8/12

Dear Mr. Souder:

O.C. Jones and Sons, Inc. (O.C. Jones) submitted a bid for contract 04-3A23U4 on August 8, 2012. By this letter, the Department of Transportation (Caltrans) notifies O.C. Jones 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 Myers and Sons were originally subcontracted to perform Bridge Structures, but bid item 127 Structural Concrete Retaining Wall and bid item 128 Structural Concrete Sound Wall were added on the revised bid list received on August 9, 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.

STATE OF CALIFORNIA - BUSINESS TRANSPORTATION AND INFRASTRUCTURE

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MB 43
1727 30th STREET
P. O. BOX 168041
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6280
FAX (916) 227-6282
TTY 711



File your comment
on www.govcomment.com

November 2, 2012

Facsimile: (408) 365-9548

Rodney Jenny, Vice President
Pavex Construction Division
120 Granite Rock Way
San Jose, CA 95136

04-153204
04-Ala, SCJ-680-0.0/0.1,
0.1/9.9
B.O. 10/2/12

Dear Mr. Jenny:

Pavex Construction Division (Pavex Construction) submitted a bid for contract 04-153204 on October 2, 2012. By this letter, the Department of Transportation (Caltrans) notifies Pavex Construction 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 Statewide Traffic Safety Signs was originally subcontracted to perform Construction Area Signs, but roadway signs were added to the revised bid list received on October 3, 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
JOHN C. McMILLAN

Deputy Division Chief
Office Engineer
Division of Engineering Services

Attachment

LR LR

TRANSMISSION VERIFICATION REPORT

TIME : 05/02/2013 14:15
NAME : CONTRACT & AWARDS
FAX : 9162276282
TEL : 9162276282
SER. # : BROK4J974370

DATE, TIME	05/02 14:12
FAX NO. /NAME	912092630123
DURATION	00:02:53
PAGE(S)	09
RESULT	OK
MODE	STANDARD

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 30th 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!*

May 2, 2013

Facsimile: (209) 263-0123

Mike Bross, Vice President
Chester Bross Construction Company
39 California Street, PMB 118
Valley Springs, CA 95252

06-0P6104
06-Kin,Tul-43-18.2/27.2, 9.5/22.7
B.O. 04/09/2013

Dear Mr. Bross:

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Caltrans did not complete an evaluation of this protest since the bid submitted by Synergy was found nonresponsive.

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