

CONSTRUCTORS INC.

**POWELL CONSTRUCTORS, INC.**  
GENERAL ENGINEERING CONTRACTOR8555 BANANA AVENUE - FONTANA, CA 92335  
PHONE (909) 356-8880 - FAX (909) 356-1299  
LICENSE #845305A

May 28, 2014

Department of Transportation  
Division of Engineering Services  
Office Engineer  
1727 30<sup>th</sup> Street  
Sacramento, Ca. 95816Attn: John McMillan  
Deputy Division Chief  
Office Engineer  
Division of Engineering ServicesRef: Protest of Award  
Contract No. 07-4T6804  
07-LA-105-R0.9, R4.7  
DOB 5-15-14

Gentlemen:

Reference is made to "Award status for 07-4T6804" processing award to Smart Tech Group, Inc.

We wish this correspondence to serve as our protest of the award to Smart Tech Group, Inc. as follows:

1. Smart Tech Group, Inc. has incorrectly listed J. Francis Co., Inc. as performing 100% of Bid Item Nos. 16, 17 & 18 on their Subcontracting List (copy attached).

J. Francis Co., Inc's price for Item No. 16 is listed on their Proposal Dated 5-13-14 (copy attached) totaling \$ 6,000.00 while Smart Tech Group, Inc's total is \$ 7,200.00 (copy attached) which is 83.33%, J. Francis Co., Inc's price for Item No. 17 is listed on their proposal totaling \$ 7,200.00 while Smart Tech Group, Inc's total is \$ 8,640.00 which is 83.33% and J. Francis Co., Inc's price for Item No. 18 is listed on their proposal totaling \$ 14,550.00 while Smart Tech Group, Inc's total is \$ 17,550.00 which is 83.08%. Smart Tech Group, Inc. has listed J. Francis Co., Inc for 100% of each of the above referenced items.

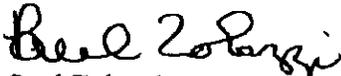
It is also interesting that at the top of J. Francis Co., Inc's Proposal to Smart Tech Group, Inc's fax was from American Civil Construction. Is this an attempt to use a second tier sub and not the named sub ?

2. J. Francis Co., Inc. was recently found to be nonresponsive on Contract No. 08-1C3904 for not having the proper License, ( C32 or A), to perform the same type of work they are to do on this project.

A subcontractor must have a proper License, (C32 or A), to perform the work they were named to perform on this contract, neither of which J. Francis Co., Inc. has (copy of Licenses which J. Francis Co., Inc. has attached).

Powell Constructors, Inc. believes that Smart Tech Group, Inc. should be deemed non-responsive and the project awarded to Powell Constructors, Inc. the next responsible bidder.

Very Truly Yours,  
Powell Constructors, Inc.



Paul Zolczi  
Contract Manager

# Caltrans - Office Engineer - Contract Award Status Result

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## Award status for 07-4T6804

Bid opening date: 05/15/2014

Processing award for		SMART TECH GROUP INC		
Award recommendation	Requested	05/15/2014	Received	05/21/2014
Civil rights evaluation	Requested	05/27/2014	Received	
Funding certification	Requested	05/19/2014	Received	
	Award date		Approval date	

A note on the Caltrans award process:

We have several major milestones we process when preparing a project for award.

- **Bid opening:** This is the event that triggers the award process. Once a bid has opened, we immediately begin looking at the results to process the contract award.
- **Award recommendation:** The district responsible for designing the project will take a look at all the bids submitted and determine whether or not it is in the department's best interest to award the contract, by taking a look at the item prices submitted and the working schedule, if necessary. This can involve calls to the bidders to determine if there were any problems with bids or the contract itself.
- **Civil rights evaluation:** Our Office of Business and Economic Opportunity reviews the UDBE or DVBE submittals on all projects to determine if the project goals have been achieved, or if a good faith effort has been obtained.
- **Funding certification:** Once we have determined a low bidder, we begin an analysis that determines how much of the allocated funding will need to be used to award the contract, and in the case of projects where funding has multiple fund sources, we determine what portion of each allocation will go toward paying for construction.

Once all milestones have been achieved for the bidder we are processing the award for, the contract will be ready to award. We will proceed with the contract award and contract approval. In the event that there is a re-ranking of bidders, both the funding certification and civil rights evaluation will need to be re-processed for the new bidder.

STATE OF CALIFORNIA  
SUBSECTION  
SECTION

Bidder Name: Saint Jack Company

This bidder is hereby notified that any contractor performing work in an amount in excess of 1/2 of 1 percent of the total bid or contract value shall be required to file a subcontract list (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
<u>Mallard Construction</u> <u>2201 Mallard Dr</u> <u>Benicia CA 94725</u>	3	2%	<u>Terrace concrete (Paris/Se)</u>
"			
"	24	100%	<u>Furnish Sign</u>
"	25	100%	<u>Road Sign</u>
"	31	100%	<u>4" Thermo</u>
"	32	100%	<u>6" "</u>
"	33	100%	<u>8" "</u>
"	34	100%	<u>Thermo slabs</u>
"	35	100%	<u>Parant Mark (non)</u>
"	36	100%	<u>Parant pane (Kot)</u>
"	40	2.5%	<u>Mobility v Parit</u>
<u>American Civil Const</u> <u>3201 Mallard Dr, Benicia</u>	22	100%	<u>High Formwork Scaff Treatment</u>
<u>Abrasive Blasting</u> <u>5465 24th St, Benicia 94709</u>	1, 10, 11	100%	<u>Lead Pa, Room Fellow &amp; Thon</u>
	12, 13	100%	<u>Rem slabs, Room Parade</u>
<u>J. Francis Inc</u> <u>16197 Krameria Ave</u> <u>Riverside CA 92504</u>	16, 17, 18	100%	<u>Prep Dak, Treat Deck, Treat</u>
<u>Crown Fence</u> <u>12118 Blomfield Ave</u> <u>Santa Fe Springs CA 90720</u>	10, 30	100%	<u>Rem Fence, Chair Lift, Fan Mod</u>

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TOD (916) 634-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

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## BID ITEM LIST

Item No.	Item Code	Item Description	Unit of Measure	Estimated Quantity	Unit Price	Item Total
1	070030	LEAD COMPLIANCE PLAN	LS	LUMP SUM	LUMP SUM	2400,-
2	120090	CONSTRUCTION AREA SIGNS	LS	LUMP SUM	LUMP SUM	3000,-
3	120100	TRAFFIC CONTROL SYSTEM	LS	LUMP SUM	LUMP SUM	41,000,-
4	130100	JOB SITE MANAGEMENT	LS	LUMP SUM	LUMP SUM	2000,-
5	130200	PREPARE WATER POLLUTION CONTROL PROGRAM	LS	LUMP SUM	LUMP SUM	700,-
6	130620	TEMPORARY DRAINAGE INLET PROTECTION	EA	9	150,-	1350,-
7	130900	TEMPORARY CONCRETE WASHOUT	LS	LUMP SUM	LUMP SUM	750,-
8	141103	REMOVE YELLOW THERMOPLASTIC TRAFFIC STRIPE (HAZARDOUS WASTE)	LF	740	2.40 100	1776,-
9	150100	PUBLIC SAFETY PLAN	LS	LUMP SUM	LUMP SUM	1200,-
10	150608	REMOVE CHAIN LINK FENCE	LF	120	9,-	1080,-
11	150714	REMOVE THERMOPLASTIC TRAFFIC STRIPE	LF	1,940	1.20 100	2,328
12	150715	REMOVE THERMOPLASTIC PAVEMENT MARKING	SQFT	600	2.40 100	1440,-
13	150722	REMOVE PAVEMENT MARKER	EA	43	2.40 100	103.20 100
14	153103	COLD PLANE ASPHALT CONCRETE PAVEMENT	SQYD	980	7.58 100	7,428.40 100
15	153121	REMOVE CONCRETE (CY)	CY	10	300,-	3000,-
16	153225	PREPARE CONCRETE BRIDGE DECK SURFACE	SQFT	24,000	.30 100	7,200,-
17 (F)	153233	TREAT BRIDGE DECK	SQFT	24,000	.36 100	8,640,-
18	153234	FURNISH BRIDGE DECK TREATMENT MATERIAL	GAL	270	65,-	17,550,-
19	190101	ROADWAY EXCAVATION	CY	18	170,-	3060,-
20	260303	CLASS 3 AGGREGATE BASE (CY)	CY	3	120,-	360,-

From: AMERICAN CIVIL CONSTRUCTORS

707 747 0593

05/15/2014 11:53

#459 P.001/002

J. FRANCIS CO., INC 16197 Krameria Ave., Riverside, CA 92504  
 Lic. 585103 Ph. (951)776-9100 Ex. (951)776-9174 [jfranciscompany.com](http://jfranciscompany.com)  
 DBE Certification # 38326 SBE Certification # 6608

May 13, 2014

**PROPOSAL**

CDOT Contract #07-4T6804  
Bids 05/15/2014 at 2 PM PST

Provide the following line items for the above referenced project:

Item 16: 153224 Prepare Concrete Bridge Deck	24,000 SF x .25 =	6,000 ✓
Item 17: 153233 Treat Bridge Deck	24,000 SF x .30 =	7,200 ✓
Item 18: 153234 Furnish Bridge Deck Treatment Material 270 G x 54 =		14,580 ✓
<b>TOTAL</b>		<b>\$ 29,780 ✓</b>

One move-in plus test patch are included. Stripes (and any other prep work) must be removed prior to the night we start. Additional move-ins are \$3,800.

**Prevailing Wage and Insurance are included**

Customer to Provide:

1. Traffic control, safety requirements and measures as needed.
2. Safe job site conditions.
3. Lighting
4. Clear access to areas being worked on.
5. Trash bins and sufficient closures to be provided by others
6. 2 week notice for scheduling required.

Signed,

*Diana Hanna*

Diana Hanna  
Project Director

STATE OF CALIFORNIA - CALIFORNIA STATE TRANSPORTATION AGENCY

ROMUND G. BROWN Jr. Governor

**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!*

May 13, 2014

Facsimile: (951) 776-9174

Diana Hanna, President  
 J Francis Company  
 16197 Krameria Avenue  
 Riverside, CA 92504

08-1C3904  
 08-SBd-10, 210-Variou  
 BO 5/1/14

Dear Ms. Hanna:

The Department received a bid submitted by J Francis Company for Contract 08-1C3904 on May 1, 2014. By this letter, the Department notifies J Francis Company that its bid is nonresponsive.

The Notice to Bidders states in part: *"The Contractor must have either a Class A license or one of the following Class C licenses: C-32."* In addition, per the 2010 Standard Specifications, Section 3-1.06, states, in part ... *"For a non-federal aid contract: Contractor must be properly licensed as a contractor from bid opening through Contract acceptance (Bus & Prof Code Section 20164)."*

Furthermore, according to the State Contractors Licensing Board, J Francis Company holds active licenses classified as C-2, 8 and 33, D-06, 12, 38 and 51.

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 pm, 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,

*For* JOHN McMILLAN  
 Deputy Division Chief  
 Office Engineer  
 Division of Engineering Services

Attachment



DEPARTMENT OF CONSUMER AFFAIRS

# Contractors State License Board

## Contractor's License Detail - License # 585103

**DISCLAIMER:** A license status check provides information taken from the CSLB license database. Before relying on this information, you should be aware of the following limitations.

CSLB complaint disclosure is restricted by law (B&P 7124.6) if this entity is subject to public complaint disclosure, a link for complaint disclosure will appear below. Click on the link or button to obtain complaint and/or legal action information.

Per B&P 7071.17, only construction related civil judgments reported to the CSLB are disclosed.

Arbitrations are not listed unless the contractor fails to comply with the terms of the arbitration.

Due to workload, there may be relevant information that has not yet been entered onto the Board's license database.

License Number	585103	Extract Date	5/13/2014
J FRANCIS COMPANY			
Business Information	Business Phone Number: (951) 776-9100		
	16197 KRAMERIA AVE RIVERSIDE, CA 92508		
Entity	Corporation		
Issue Date	01/10/1990		
Release Date	01/08/1998		
Expire Date	01/31/2018		
License Status	<b>ACTIVE</b>		
	This license is current and active. All information below should be reviewed.		
Classifications	CLASS	DESCRIPTION	
	C-2	<u>INSULATION AND ACOUSTICAL</u>	
	D12	<u>SYNTHETIC PRODUCTS</u>	
	D3B	<u>SAND AND WATER BLASTING</u>	
	D06	<u>CONCRETE RELATED SERVICES</u>	
	D51	<u>WATERPROOFING &amp; WEATHERPROOFING</u>	
	C33	<u>PAINTING AND DECORATING</u>	
	C-8	<u>CONCRETE</u>	
Bonding	<b>CONTRACTOR'S BOND</b>		
	This license filed a Contractor's Bond with <u>AMERICAN CONTRACTORS INDEMNITY COMPANY.</u>		
	Bond Number: SC1022498 Bond Amount: \$12,500		



DEPARTMENT OF CONSUMER AFFAIRS

**Contractors State License Board**

## **C32 - Parking and Highway Improvement Contractor**

### **California Code of Regulations Title 16, Division 8, Article 3. Classifications**

A parking and highway improvement contractor applies and installs protective coatings, vehicle stops, guard rails and mechanical devices, directional lines, buttons, markers, signs and arrows on the horizontal surface of any game court, parking facility, airport, highway or roadway constructed of concrete, asphalt or similar material. This classification includes the surface preparatory work necessary for the application of protective coatings but does not include the re-paving of these surfaces.

*Authority cited: Sections 7008 and 7059, Reference: Sections 7058 and 7059  
(Business and Professions Code)*