

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!*

December 9, 2014

Facsimile: (805) 546-8287

Steve Souza, President
Souza Construction, Inc.
P. O. Box 3810
San Luis Obispo, CA 93403

06-432604
06-Fre-33-10.9/11.1
B.O. 11/6/14

Dear Mr. Souza:

The Department of Transportation (Caltrans) received a letter dated November 21, 2014, from Souza Construction, Inc. (Souza) protesting the nonresponsive bid finding for Contract No. 06-432604 on November 20, 2014.

Caltrans, reviewed the bid documents and the protest and determined that although the Disadvantaged Business Enterprise (DBE) Commitment form submitted by Souza identified Safeguard Fence to perform bid items 23-27, 65, 68, 70, 71, 77 (portion), the DBE submittal and quotes, and the 24 hour Subcontractor List form confirm that Souza did not intend for Safeguard Fence to perform bid item 26, nor did Safeguard Fence intend to perform bid item 26 and the listing on the DBE Commitment form including bid item 26 was a clerical error made by using a hyphen between items 23 and 27. Bid item 26 was not included in the list of bid items to be performed by the Subcontractor on the Subcontractor List. Caltrans finds that Souza's clerical error in listing bid item 26 was immaterial and can therefore be waived by Caltrans.

In addition to item above, Caltrans also received a letter from MCM Construction, Inc. (MCM) dated December 1, 2014, protesting the bid submitted Souza. The protest alleges that Souza expanded the scope of work of for Betancourt Bros Electric Construction by adding bid item 76 (Roadside Weather Information System) to work described on bid day as Temp Signal. In addition, also identified Statewide Safety & Signs to perform work described as Signs and Markers, and included bid items 6 and 11 (Channelizer (Surface Mounted) and Temporary Crash Cushion Module).

As the protest pertains to Betancourt, Caltrans determined that Souza included work that was not related to the bid item "Temporary Signal" and temporary signal is not inclusive of bid item 76, Roadside Weather Information System.

As the protest pertains to Statewide Safety & Signs, bid items 6 and 11 are covered under the 2010 Revised Standard Specifications, Section 12 Temporary Traffic Control and as such, are not considered signs and markers.

Mr. Souza
December 9, 2014
Page 2

Based on the above, it remains the finding of Caltrans that the bid submitted by Souza is nonresponsive.

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

Sincerely,



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

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

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

Dec 9 2014 04:30pm

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
918055468287	Normal	09:04:30pm	0'22"	2	# 0 K	

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND 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!*

December 9, 2014

Facsimile: (805) 546-8287

Steve Souza, President
Souza Construction, Inc.
P. O. Box 3810
San Luis Obispo, CA 93403

06-432604
06-Fre-33-10.9/11.1
B.O. 11/6/14

Dear Mr. Souza:

The Department of Transportation (Caltrans) received a letter dated November 21, 2014, from Souza Construction, Inc. (Souza) protesting the nonresponsive bid finding for Contract No. 06-432604 on November 20, 2014.

Caltrans, reviewed the bid documents and the protest and determined that although the Disadvantaged Business Enterprise (DBE) Commitment form submitted by Souza identified Safeguard Fence to perform bid items 23-27, 65, 68, 70, 71, 77 (portion), the DBE submittal and quotes, and the 24 hour Subcontractor List form confirm that Souza did not intend for Safeguard Fence to perform bid item 26, nor did Safeguard Fence intend to perform bid item 26 and the listing on the DBE Commitment form including bid item 26 was a clerical error made by using a hyphen between items 23 and 27. Bid item 26 was not included in the list of bid items to be performed by the Subcontractor on the Subcontractor List. Caltrans finds that Souza's clerical error in listing bid item 26 was immaterial and can therefore be waived by Caltrans.

In addition to item above, Caltrans also received a letter from MCM Construction, Inc. (MCM) dated December 1, 2014, protesting the bid submitted Souza. The protest alleges that Souza expanded the scope of work for for Betancourt Bros Electric Construction by adding bid item 76 (Roadside Weather Information System) to work described on bid day as Temp Signal. In addition, also identified Statewide Safety & Signs to perform work described as Signs and Markers, and included bid items 6 and 11 (Channelizer (Surface Mounted) and Temporary Crash Cushion Module).

As the protest pertains to Betancourt, Caltrans determined that Souza included work that was not related to the bid item "Temporary Signal" and temporary signal is not inclusive of bid item 76, Roadside Weather Information System.

As the protest pertains to Statewide Safety & Signs, bid items 6 and 11 are covered under the 2010 Revised Standard Specifications, Section 12 Temporary Traffic Control and as such, are not considered signs and markers.