

Constructing Contracting With Caltrans

“I’m the Low Bidder - Now What?”

A Guide to the Contract Award Process

March 2010



A Guide to the Contract Award Process

Caltrans mission is to improve mobility across California. The construction industry is our partner in achieving this mission.

The following information is provided to assist our industry partners in preparing bids responsive to state and federal contracting requirements and successfully completing the contract award and approval process.

A Guide to the Contract Award Process

Notice:

Although we have strived to make this document as complete as possible, contractors are advised that individual contracts may have unique requirements. Bidders are advised to thoroughly review the contract documents (plans, specifications, materials information, bid items and addenda) to submit bidder's inquiries as necessary.

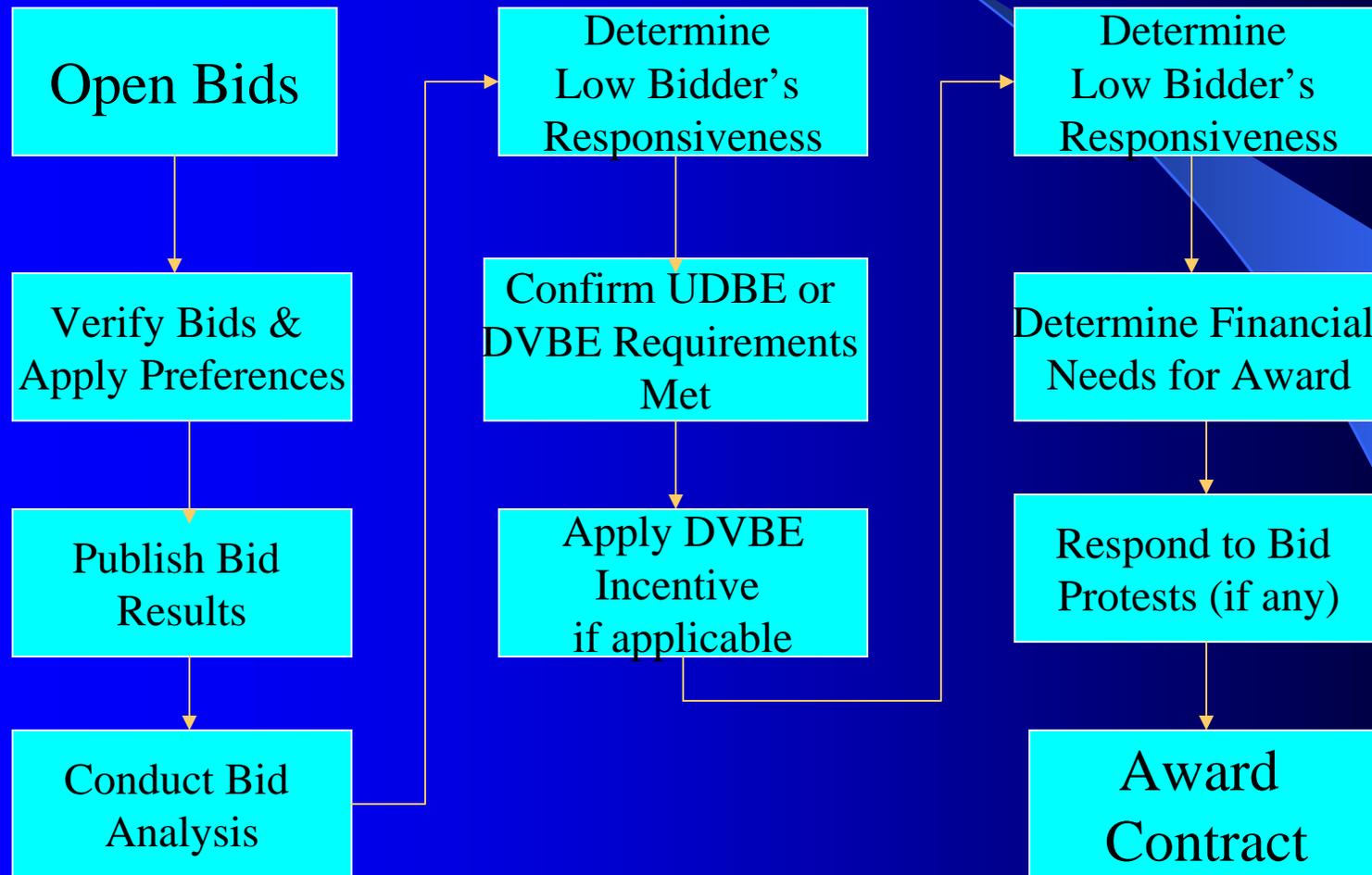
Disclaimer:

The Department of Transportation (Caltrans) has provided this information as a convenience to bidders. It does not constitute a legal standard, nor does it establish departmental policy.

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Contract Award Flowchart



Contract Award Process Overview

Caltrans awards contracts to the lowest responsible bidder.

Once bids are opened and verified, Caltrans:

- Confirms the apparent low bid is responsive
- Applies preferences/incentives
- Compares bids with estimate
- Determines if competition was adequate
- Confirms low bid is not materially unbalanced
- Determines if bidder met UDBE or DVBE reqmt's
- Determines funding amount for contract award
- Responds to protests
- Awards & approves the contract

Bid Results

- Caltrans records and seals the bids with tape during the public bid opening and reading
- Caltrans verifies the bids by entering the bidder's unit and item prices into the Bid Opening System.
- Verified bid results may vary from the "as read" bids due to bidder errors. The verified results are final.
- Bid results are usually available by 5 pm on the bid opening telephone hotline at (916) 654-5500. Southern California bid results are not available until the next business day.

Bid Summaries

Bid Summaries are normally available within 3 business days after bid opening at:
http://www.dot.ca.gov/hq/esc/oe/awards/bids/um_html/6week_list.php

STATE OF CALIFORNIA		B I D S U M M A R Y		DEPARTMENT OF TRANSPORTATION		BID245	
BID OPENING DATE	09/17/09	IN LOS ANGELES COUNTY NEAR AZUSA AT				PAGE 1	
CONTRACT NUMBER	07-1X3214	VARIOUS LOCATIONS FROM 5.5 MILES				09/22/09	
LOCATION	07-LA-39-40.0/44.4	NORTH OF CRYSTAL LAKE ROAD TO 8.3				CONTRACT CODE 'C'	
		MI SOUTH OF ROUTE 2/39 SEPARATION				31 CONTRACT ITEMS	
		CONSTRUCT RETAINING WALL				FEDERAL AID ER-4137-(004)E	
DIS GOALS: DISADVANTAGED BUSINESS ENTERPRISE - 6.0%		TOTAL NUMBER OF WORKING DAYS		150			
PROPOSALS ISSUED	32	FUND TOTAL	RA23	5,399,000			
NUMBER OF BIDDERS	6	ENGINEERS EST	4,211,225.00	AMOUNT UNDER	1,312,850.00	PERCENT UNDER EST 31.18	
PROGRAM ELEMENTS	RAS						
BID RANK	BID TOTAL	BIDDER ID	BIDDER INFORMATION (NAME/ADDRESS/LOCATION)				
1	2,898,375.00	1	JOHN S MEEK COMPANY INC 310 830-6323 14732 S MAPLE AVENUE 00709151 GARDENA CA 90248 FAX 310 835-2163				
2	2,898,720.00	4	J MC LOUGHLIN ENGINEERING CO 909 944-1037 INC 00676575 10641 FULTON COURT FAX 909 944-3112 RANCHO CUCAMONGA CA 91730				
3	2,913,700.00	3	CHUMO CONSTRUCTION INC 626 960-9502 14425 JOANERIDGE STREET 00387331 BALDWIN PARK CA 91706 FAX 626 960-3887				
4	2,958,208.00	5	GRIFFITH COMPANY 714 884-5500 3050 E BIRCH STREET 00000088 BREA CA 92821 FAX 714 854-0227				
5	3,102,388.00	6	LOS ANGELES ENGINEERING INC 626 454-5222 633 N BARRANCA AVENUE 00591176 COVINA CA 91723 FAX 626 454-5226				

Bid Preferences & Incentives

- Federal Aid contracts do not have incentives or preferences
- State Funded Contracts have:
 - Small Business Preference
 - Non-Small Business Preference
 - California Company Preference
 - Disabled Veteran Business Enterprise (DVBE) Incentive
- Bidders' preference requests are noted on the bid summary
- The DVBE incentive is determined after review of bidders' DVBE commitment forms.

Required Post-Bid Submittals

<u>Item</u>	<u>Deadline</u>
Subcontractor Percentages	2:00 pm, 24 hours after bid
Subcontractor Substitution	4:00 pm, 2 business days after bid
Cert. SBE List for Non SB Preference	4:00 pm, 2 business days after bid
UDBE & Good Faith Efforts forms Or DVBE form	4:00 pm, 4 business days after bid
Relief of Bid	4:00 pm, 5 business days after bid

Note: Holidays, state furlough days and weekends do not count as business days

Subcontractor Percentages

- Submit the subcontractor list with your bid
- For items not fully subcontracted, e.g. “partial” or “portion”, determine the percentage of the item subcontracted
- Fax the subcontracted item numbers and percentages to (916) 227-6282 by no later than 24 hours after bid opening
- Failure to specify bid item percentages within 24 hours of the bid opening and item numbers renders the bid non-responsive

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
DES-OE-0102.2 (REV 2/2010)

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 non-responsive bid.

Column 1: Business Name and Location	Column 2: Bid Item No.(s)	Column 3: Percent of Bid Item Subcontracted	Column 4: Description of Subcontracted Work

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-65, Sacramento, CA 95814.

Subcontractor Substitution

If you list a subcontractor in error:

- Notify Caltrans of the inadvertent clerical error under penalty of perjury to Caltrans by fax at (916) 227-6282
- Fax must be received no later than 2 business days after bid opening
- Provide copies to impacted subcontractors
- Caltrans may consent to the substitution provided neither subcontractor objects within 6 business days of the bid opening
- If a subcontractor objects to the substitution, Caltrans will conduct a hearing to determine if the substitution is granted

Completing the Bid – Request for Non-Small Business Preference

- State Funded Contracts only
- Complete and sign the form.
- Mail the list of certified small business subcontractors so it is received within 2 business days of bid opening
- Faxes not accepted
- No preference given if form is received late
- The non-small business preference can not displace a small business from the contract award

Low Bidder

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
CERTIFIED SMALL BUSINESS LISTING FOR THE NON-SMALL BUSINESS PREFERENCE
 DES-OE-0102.8 (REV 3/2008)

BIDDER NAME PENHALL CO. CONTRACT NO. 04-0E7604

List the description of work, name, telephone number, certification number, and dollar amount of each certified small business who will be employed on this project. Failure to provide this information may be cause for denial of the non-small business subcontractor preference. Attach additional sheets if necessary.

Bid Item Number	Description of Work, Service, or Materials	Certified Small Business (Name, Telephone No., and Certification No.)	\$ Amount
20	FURNISH DECK TREATMENT MATL	KWIK BOND POLYMERS (707) 746-7981 CERT. # 25239	\$ 220,780.-

Person to Contact: GARY BUSH (Please Type or Print) \$ 220,780.-
 (Area Code) Telephone Number: (510) 357-8810 Total Claimed Participation 25.5% of Contract

ADA Notice: For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 554-6410 or TDD (916) 554-3880 or write Records and Forms Management, 1120 N Street, MS-69, Sacramento, CA 95814.

Contract No. 04-0E7604
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Certified DVBE Summary

- State funded contracts only
- Complete and sign form
- List all certified DVBE subcontractors and suppliers, regardless of tier
- Submit with bid or by fourth business day after bid opening.
- Faxes not accepted
- Late Certified DVBE Summary are not accepted
- No DVBE incentive allowed for late forms

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
CERTIFIED DVBE SUMMARY
 DES-GE 0102 5 (REV. 3/2005)

DISTRICT/COUNTY/ROUTE: 04 - SCL - V41
 CONTRACT NO.: 04-0E7604
 TOTAL BID: 1,356,879.⁰⁰
 BID OPENING DATE: January 7, 2007
 BIDDER'S NAME: Bay Line Cutting & Coring Inc.

DVBE PRIME CONTRACTOR CERTIFICATION *

Bid Item Number	Description of Work to Be Subcontracted to DVBE or Materials to Be Supplied by DVBE ¹	For Caltrans Only	DVBE (Name, Telephone No., and Certification No.)	\$ Amount
1	Construction site Management.		Titan	400. ⁰⁰
2	Prepare Water Pollution Control Program.		Titan	700. ⁰⁰
6	PCMS		Titan	11,000. ⁰⁰
15	Purchase Reqt scf concrete		Titan	58,000. ⁰⁰
Names of first tier DVBE subcontractors and their items of work listed must be consistent with the names and items of work in the Subcontractor List (Pub Cost Code § 4100 et seq.) submitted with the bid. Identify second and lower tier subcontractors on this form.				Total Claimed Participation
				\$ 70,100. ⁰⁰
				5 %

1. DVBE prime contractors must enter their DVBE reference number or their DBA name as listed with Department of General Services. DVBE prime contractors are certified with 100 percent DVBE participation and need not complete the above table.
 2. If 100% of an item is not performed or supplied by the DVBEs, describe the exact part, including the planned location if work to be performed, of item to be performed or supplied by DVBE.

Submit to: MSC 43
 OFFICE ENGINEER
 DEPARTMENT OF TRANSPORTATION
 1727 30TH STREET
 SACRAMENTO, CA 95816-7005

Signature of Bidder: *[Signature]* 1-7-07
 Date
 (510) 420-8992
 Direct (Local) Telephone Number
 Juan C. Arreguin
 Contact Person (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) 654-3880 or write Records and Forms Management, 1120 N Street, 5th Floor, Sacramento, CA 95814.

Contract No. 04-0E7604
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UDBE Information

- Federal aid contracts only
- List all certified Underutilized DBE (UDBE) firms subcontractors & suppliers regardless of tier :
 - African American
 - Asian Pacific Islander American
 - Native American
 - Women
- Include UDBE Information - Good Faith Efforts forms
- Submit with bid or by 4th business day after bid opening. Faxes not accepted
- Late forms not accepted

CALTRANS BIDDER - UDBE - COMMITMENT

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 Special Provisions. Failure to submit the required UDBE information will be grounds for finding the proposal nonresponsive.

CONTRACT NO.: _____
 BID AMOUNT: \$ _____
 BID OPENING DATE: _____
 BIDDER'S NAME: _____
 UDBE GOAL FROM CONTRACT, %: _____
 UDBE PRIME CONTRACTOR CERTIFICATION ¹: _____

CONTRACT ITEM NO.	ITEM OF WORK AND DESCRIPTION OR SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED ²	FOR CALTRANS USE ONLY	NAME OF UDBEs (Must be certified on the date bids are opened - include Caltrans certification #, UDBE address and phone number) (Indicate 2nd and lower tier subcontractors)	DOLLAR AMOUNT UDBE ³
IMPORTANT: Identify all UDBE firms being claimed for credit, regardless of tier. Names of the First Tier UDBE Subcontractors and their respective item(s) of work listed above must be consistent, where applicable, with the names and items of work in the "List of Subcontractors" submitted with your bid. Copies of the UDBE quotes are required.				Total Claimed Participation \$ _____ _____%

1. UDBE prime contractors must enter their certification number and indicate all work to be performed by UDBEs including work performed by its own forces.
 2. If 100% of item is not to be performed or furnished by UDBE, describe exact portion of item to be performed or furnished.
 3. See Section titled "Disadvantaged Business Enterprises" under Section 2 "Bidding," of the special provisions to determine the credit allowed for UDBE firms.

Signature of Bidder _____
 Date _____ (Area Code) Tel. No. _____
 Person to Contact (Please Type or Print) _____
CT Bidder - UDBE Commitment (06-26-08)

Contract No. 04-356114
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Relief of Bid

- If you made a material mistake in filling out your bid, request relief of bid within 5 business days of the bid opening
- The request form is at: http://www.dot.ca.gov/hq/esc/oe/contractor_info/relief.pdf
- Fax the form to (916) 227-6282 no later than 5 business days after bid opening

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
RELIEF OF BID REQUEST
DES-OE-0141 (NEW 04/2008)

Contract No. _____ Bidder's Name: _____
Bid Opening Date: _____ License No. _____

Requirements:
To be relieved of your bid you must demonstrate all of the following to the Department. You are not relieved of your bid until notified by the Department in writing.

- A mistake was made in your bid.
- You submitted written notice of the mistake to the Department within 5 working days of bid opening, specifying in detail how the mistake occurred.
- The mistake made the bid materially different than what you intended.
- The mistake was made in filling out the bid and not due to an error in judgement or to carelessness in inspecting the site of work or in reading the plans or specifications.

Instructions:
Attach a statement and supporting documentation that describes the following in detail:

1. The mistake in your bid and how it was made.
2. How the mistake made the bid materially different than intended.
3. How the mistake was made in filling out the bid.
4. Sign the certification below.
5. Fax this completed form, the statement and supporting documentation to (916) 227-6282. Attention: Office Engineer.

Certification:
By my signature on this form, I certify, under penalty of perjury that the attached statement, including any supporting documents, are true and correct.

Date: _____ Signature of Bidder _____
Title _____

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UDBE & DVBE Review

Caltrans' Contract Evaluation Unit:

- Confirms the low bidder's certified DVBE or UDBE participation (including commercially useful function) and DBE participation (post contract award)
- Conducts review of the low bidder's UDBE Good Faith Efforts
- Verifies claimed small business participation for the Non-Small Business Preference

If a bidder does not meet the UDBE goal or make a good faith effort, the bidder is notified in writing. The bidder may then request administrative reconsideration.

Bid Protests

- Any bidder may protest a contract award
 - Subcontractors, suppliers or other third parties may not protest contract awards
 - Complaints about alleged ambiguity of the plans, specifications and estimate are not protests
- Fax the protest to (916) 227-6282 prior to contract award
 - Include facts supporting your protest
 - Sign the protest
- If Caltrans receives a protest against the low bidder, we may request the low bidder to provide a written response within a specified time
- All protests are public documents
- All protests are responded to prior to contract award

Responsibility Determinations

- Bidders complete the “Bidder Responsibility Questionnaire” in the bid book
- If a bidder was found non-responsible by another public agency or Caltrans has reason to question a bidder’s responsibility, Caltrans notifies the bidder in writing that it may not be responsible according to Public Contract Code Section 1103.
- The bidder provides a written rebuttal to Caltrans’ preliminary determination.
- If necessary, Caltrans conducts a hearing with the bidder in order that the bidder may orally present its rebuttal.
- The Department appoints a manager as decision-maker for the responsibility determination
- A bidder found not responsible is not eligible for the contract award.

Bid Extensions

- Bids are valid for 30 calendar days from the bid opening date, unless otherwise specified in the Notice to Bidders.
- If Caltrans is not able to award the contract within 30 days or the times specified in the Notice to Bidders, Caltrans will request a bid extension from the low bidder by fax.
- If a bidder does not provide the extension, it is no longer eligible for contract award.

Contract Execution

- Caltrans sends the Contract Execution Package to the successful bidder by overnight mail.
- The Contract Execution Package includes three copies of the contract for execution, various forms and instructions

Contract Execution Requirements

- The successful bidder has 10 business days* to complete, sign and return:
 - Executed contracts
 - Payment and performance bonds
 - Insurance policies
 - DBE Information form (Federal Aid Contracts)
 - Small Business Participation Report
 - Payee Data Record
- In the event the successful bidder fails to return the documents within the specified time, Caltrans may rescind the contract award and seek forfeiture of the bidder's bid security

* 5 business days in some cases

Contract Approval

- Upon return of the executed contract documents, Caltrans:
 - Verifies insurance requirements are met
 - Executes and approves the contract.
- The bidder has fifteen calendar days to begin work on the contract unless otherwise specified in the Notice to Bidders.

Good Luck!

Thank you for doing business with Caltrans. We wish you success.

For information on current and upcoming contracting opportunities, please visit our website at: http://www.dot.ca.gov/hq/esc/oe/contractor_info/

Also, review our “How to Submit a Responsive Bid” guide at: http://www.dot.ca.gov/hq/esc/oe/docs/resp_bid.pdf