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REPLY TO LOS ANGELES OFFICE

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FILE NO.: 4575.010

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JOSEPH M. GIDEN
(1933-2014)

February 29, 2016

VIA E-MAIL AND FACSIMILE

John C. McMillan, Deputy Division Chief
Cory Binns, Deputy Division Chief
Mulissa Smith, Contract Branch Chief
State of California, Department of Transportation
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Re: Contract No. 01-0A4904
01-Hum-299-R25.0/R25.9; Project ID 0100020308
Bid Protest of McCullough Construction of Steve Manning Construction, Inc.'s Bid

Dear Messrs. McMillan and Binns and Ms. Smith:

Our office represents McCullough Construction, Inc. ("McCullough"), the apparent second-low responsive and responsible bidder on California Department of Transportation ("Caltrans") Contract No. 01-0A4904 ("Contract"). This letter is provided in protest of the bid submitted by Steve Manning Construction, Inc. ("Manning"). As detailed herein, Manning's bid is nonresponsive and must therefore be rejected by Caltrans.

To be "responsive," a bid must be in strict and full accordance with the material terms of the bidding instructions. *Taylor Bus Serv., Inc. v. San Diego Board of Educ.* (1987) 195 Cal.App.3d 1331; *MCM Constr., Inc. v. City & County of San Francisco* (1998) 66 Cal.App.4th 359. In fact, Section 2-1.33A of the Special Provisions states that "[f]ailure to submit the forms and information as specified may result in a nonresponsive bid."

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A LIMITED LIABILITY LAW PARTNERSHIP

February 29, 2016

Page 2

02-29-16P03:25 RCVD

Usually, whether a bid is responsive can be determined from the face of the bid without outside investigation or information. *Valley Crest Landscape, Inc. v. City Council* (1996) 41 Cal.App.4th 1432. A bid that varies materially from the specifications must be rejected. *Stinson v. Hanley* (1907) 151 Cal. 379; *Ghilotti Constr. Co. v. City of Richmond* (1996) 45 Cal.App.4th 897.

Any "material" variance in a bid may not be waived by the awarding authority, and bids containing "material" variances must be rejected. *Stinson v. Hanley* (1907) 151 Cal. 379. This principle insures that all bidders will be treated alike and guards against the possibility for fraud, corruption or favoritism in the bidding selection process. More fundamentally, it ensures that the public agency will be comparing "apples to apples" when reviewing the competing bid proposals. The "material" terms of a bid are (1) those terms which could affect price, quantity, quality or delivery; and (2) those terms which are clearly identified by the bid documents as mandatory. The determination of whether a bid proposal fails to comply with material terms of the bid documents is by necessity a factual determination based upon whether the variation gives the bidder an unfair advantage relative to other bidders or could have withdrawn its bid without forfeiting its bid security. *Menefee v. County of Fresno* (1985) 163 Cal.App.3d 1175.

Although Caltrans has the authority to waive immaterial deviations, it is not required to waive a deviation, no matter how immaterial it may be. A local agency is not required to waive insubstantial deviations from bid requirements because the power to waive immaterial bid variations is discretionary, not mandatory. *MCM Constr., Inc. v. City & County of San Francisco* (1998) 66 Cal.App.4th 35.

Manning's bid is nonresponsive for a multitude of reasons, any one of which alone justifies Caltrans' rejection of Manning's bid. Taken together, the only conclusion can be that Manning's bid is nonresponsive and must be rejected.

First, Manning failed to list any work codes on its DBE Commitment form. (See, Manning's DBE Commitment form, attached hereto as Exhibit A.) The form expressly states that bidders are to "[u]se Work Category Codes from the California Unified Certification Program database." (See, footnote 3 on Exhibit A.) That information is not available elsewhere in Manning's bid. The Caltrans Contract Evaluation Unit is responsible for counting DBE participation. Part of the evaluation includes cross-referencing the DBEs' work category codes with the contract bid items that DBE is listed to perform. A DBE only counts toward a bidder's participation if a certified DBE that possesses the correct work codes will be actively participating on the project. (See, e.g., Fact Sheet on Evaluating DBE Participation, attached hereto as Exhibit B.) Section 2-1.12B(1) of the Special Provisions states: "You are responsible to verify at bid opening the DBE firm is certified as a DBE by the California Unified Certification Program and possess the work codes applicable to the type of work the firm will perform on the Contract." Manning's failure to list the Work Category Codes for its DBE subcontractors is a material failure to perform a mandatory requirement that is clearly identified

GIBBS GIDEN LOCHER TURNER SENET & WITTBRODT LLP

A LIMITED LIABILITY LAW PARTNERSHIP

February 29, 2016

Page 3

02-29-16P03:25 RCVD

on the face of the form and in the bid documents. Manning's bid is therefore nonresponsive. *See, Valley Crest Landscape, Inc., supra*, Cal.App.4th at 1438.

Second, Charlie's Custom Excavating, Inc. ("Charlie's"), one of Manning's listed DBE subcontractors, has Work Category Codes C1200 Construction Area Signs, C1201 Traffic Control System, C1901 Roadway Excavation, and C1940 Ditches Excavation. (*See*, printout from CUCP query, attached as Exhibit C. Of course, a determination of these Work Category Codes could only be made by searching the CUCP database, since, as noted above, Manning failed to list the Work Category Codes on its DBE Commitment form.) Manning, however, listed Charlie's for the Weed Control Mat (item 39) and Compost Sock (item 43) work. Neither of those items are signage, traffic control, or excavation work, which are the only Work Category Codes Charlie's possesses. Therefore, Manning has improperly listed Charlie's on its DBE Commitment form for those two items. This improper inclusion by Manning of Charlie's for DBE participation for these two items falsely inflates Manning's DBE participation by \$54,004.40. Subtracting those two items from the total listed DBE participation results in an actual total of \$387,845.00, which is only 10.91% participation, which means Manning did not meet the DBE goal as claimed. Again, this is a material variance from the requirements of the bid documents that cannot be waived by Caltrans.

Third, a comparison of Manning's Bid Item List amounts to its DBE Commitment form reveals that nine (9) of the thirteen (13) Bid Items identified on the DBE Commitment form are not being performed in their entirety by the listed DBE subcontractors. When a DBE is only performing a fraction of a Bid Item, the DBE Commitment form requires the exact portion of the item being performed to be described. (*See*, footnote 2 on Exhibit A.) Manning, however, described the work to be performed by using the Bid Item List description, without any indication of which portion the DBEs are performing – which is an indication the DBE subcontractor will be performing the entire item. On its Subcontractor List, Manning indeed stated that each of these three DBEs will be performing 100% of all but one of the items. This, however, is absolutely inconsistent with the dollar amounts listed for the DBE subcontractors:

Bid Item	DBE	DBE Amount	Bid Item Amount	Percentage DBE Amount of Bid Item Amount
7 – Portable Changeable Message Sign	Charlie's Custom Excavating Inc.	\$15,000	\$15,800	94.94%
9 – Prepare SWPPP	ADH Technical Services, Inc.	\$2,750	\$7,500	36.67%
10 – Rain Event Action Plan	ADH Technical Services, Inc.	\$6,100	\$30,500	20.00%
11 – Storm Water Sampling & Analysis Day	ADH Technical Services, Inc.	\$9,000	\$12,000	75.00%
12 – Storm Water Annual Report	ADH Technical Services, Inc.	\$2,000	\$6,000	33.33%
39 – Weed Control	Charlie's Custom	\$40,004.40	\$42,160	94.89%

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A LIMITED LIABILITY LAW PARTNERSHIP

February 29, 2016

Page 4

02-29-16P03:25 RCVD

Mat (Fiber)	Excavating Inc.			
76 – Midwest Guardrail System (Steel Post)	Charlie's Custom Excavating Inc.	\$34,500	\$38,640	89.29%
77 – End Anchor Assembly (Type SFT)	Charlie's Custom Excavating Inc.	\$700	\$750	93.33%

The dollar amounts on Manning Bid Item List are conclusive evidence that the DBEs listed are not actually performing 100% of the work for each of these eight (8) items. Manning's failure to describe the portion of each of these items that the DBE will in fact be performing is a material variance from the requirements of the bidding documents that cannot be waived by Caltrans, which makes Manning's bid nonresponsive. See, *Valley Crest Landscape, Inc., supra*, Cal.App.4th at 1438.

Fourth, these inconsistencies between the Bid Item List amounts and the DBE Commitment form amounts also create multiple ambiguities as to what Manning's bid price is supposed to be. Manning could have raised any of these as a bid mistake pursuant to *Public Contract Code* section 5103 and withdrawn its bid without forfeiting its bid security. Section 5103 allows a bidder to be relieved of its bid when a mistake makes the bid materially different than intended, if that mistake was made in filling out the bid and not due to an error in judgment or to carelessness in inspecting the site of the work or reading the plans and specifications. Therefore, these irregularities, which were clearly caused by mistakes in filling out the bid forms, cannot be waived and the bid is nonresponsive. See, *Valley Crest, supra*, 41 Cal.App.4th 1432; *Menefee, supra*, 163 Cal.App.3d at 1180-1181; see also, *Williams v. Bergin* (1900) 129 Cal. 461. This gave Manning an unfair advantage because it could have withdrawn its bid. The fact that Manning did not seek such relief is irrelevant. The key point is that such relief was available and Manning thus had a benefit not available to the other bidders—it could have backed out of its bid. Therefore, just as the mistake in *Valley Crest* could not be waived as an immaterial irregularity, here Tidewater's deviation should not be waived and the bid is non-responsive. See, *id.*; see also, *Menefee v. County of Fresno* (1985) 163 Cal.App.3d 1175, 1180-1181; see also, *Williams v. Bergin* (1900) 129 Cal. 461.

Fifth, these inconsistencies are carried over onto the DBE Confirmation forms (Exhibit D). The DBE Confirmation form is required by Section 2-1.12B(2) of the Special Provisions. Footnote 1 on the form specifically requires that "[i]f 100% of an items is not to be performed or furnished by the DBE, describe the exact portion of the item to be performed or furnished." Since Manning's representation that these three DBEs are performing 100% of the eight items identified above is false—given the Bid Item List dollar amount—Manning's three DBE Confirmation forms are all incorrectly completed. Yet again, Manning's failure to perform a mandatory requirement that is clearly identified on the face of the form and in the bid documents renders Manning's bid nonresponsive. See, *Valley Crest Landscape, Inc., supra*, Cal.App.4th at 1438.

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A LIMITED LIABILITY LAW PARTNERSHIP

February 29, 2016

Page 5

02-29-16P03:25 RCVD

Sixth, Manning listed Charlie's as performing 100% of the traffic control system bid item at \$180,000. Charlie's quote (see Exhibit E) is for a quantity of 80 for two items: (1) a two-man flagging crew, 10-hour shift, and (2) pilot car with operator, 10-hour shift. The problem with this quote is that the project duration is 56 days, not 80, so this quote is clearly inflated by 30%.

For all of the foregoing reasons, Manning's bid is nonresponsive and should be rejected by Caltrans. McCullough, the lowest responsive and responsible bidder, is ready, willing, and able to perform and looks forward to working with Caltrans on this Project.

Your attention to this matter is appreciated. Please do not hesitate to contact me if you have any questions.

Very truly yours,



Sara H. Kornblatt
for GIBBS GIDEN LOCHER TURNER
SENET & WITTBRODT LLP

Enclosures

cc: Dena McCullough (via email only)

EXHIBIT A

Low Bidder

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
DBE - COMMITMENT
 DES-CE-0102.10D (REV 12/2014)

Page 1 of 2

CONTRACT NO:
 01-0A4904

BID AMOUNT:
 \$ 3,554,665.00

BID OPENING DATE:
 2/18/2016

BIDDER'S NAME:
 Steve Manning Construction, Inc.

DBE GOAL FROM CONTRACT %:
 12%

DBE PRIME CONTRACTOR CERTIFICATION ¹ :	TOTAL NUMBER OF ALL SUBCONTRACTS (DBE & NON-DBE):	TOTAL VALUE OF ALL SUBCONTRACTS (DBE & NON-DBE):
N/A	8	\$1,873,227.50

BID ITEM NO	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED ²	WORK CATEGORY CODES ³	NAME OF DBE (Must be certified on the date bids are opened. Include Caltrans' certification no., DBE address, and phone number. Show 2nd and lower tier subcontractors)	AMOUNT (\$)
9	PREPARE SWPPP		ADH TECHNICAL SERVICES, INC.	\$2,750.00
10	RAIN EVENT ACTION PLAN		Cert# 34145	\$6,100.00
11	STORM WATER SAMPLING & ANALYSIS DAY		3065 Porter St, Ste 101	\$9,000.00
12	STORM WATER ANNUAL RPT		Soquel, CA 95073 (831) 477-2003	\$2,000.00
3	TRAFFIC CONTROL SYSTEM		CHARLIE'S CUSTOM EXCAVATING	\$180,000.00
7	PCMS (LS)		INC. Cert# 37820	\$15,000.00
39	WEED CONTROL MAT		21113 Gilbert Dr, Redding CA	\$40,004.40
43	COMPOST SOCK		96002 (530) 221-7563	\$132,000.00

Show all DBE firms being claimed for credit, regardless of tier. Attach written confirmation from each DBE shown stating that it will be participating in the contract to perform the specific work shown for the specific amount agreed to.

The names of the 1st tier DBE subcontractors and items of work must be consistent with the Subcontractor List (Pub Cont Code § 4100 et seq).

¹Each DBE prime contractor must enter its certification number and show all work to be performed by DBEs, including work performed by its own forces.

²If 100% of an item is not to be performed or furnished by the DBE, describe the exact portion of the item to be performed or furnished.

³Use Work Category Codes from the California Unified Certification Program database.

Total Claimed Participation \$ see pg 2

see pg 2

The bidder acknowledges that it is committed to use the DBEs shown on this form to meet the contract goal (49 CFR 26.53).



Signature of Bidder Arlene Litsey - Secty/Treas

2/22/2016 (530) 222-0810
 Date (Area Code) Tel. No.

Bill Spoon, Project Manager

Person to Contact (Please Type or Print)

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2016-02-29 10:09 AM

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
DBE - COMMITMENT
 DES-OE-0102.10D (REV 12/2014)

CONTRACT NO: 01-0A4904
 BID AMOUNT: \$ 3,554,665.00
 BID OPENING DATE: 2/18/2016
 BIDDER'S NAME: Steve Manning Construction, Inc.
 DBE GOAL FROM CONTRACT %: 12%

DBE PRIME CONTRACTOR CERTIFICATION ¹	TOTAL NUMBER OF ALL SUBCONTRACTS (DBE & NON-DBE)	TOTAL VALUE OF ALL SUBCONTRACTS (DBE & NON-DBE)
N/A	8	\$1,873,227.50

DBE ITEM NO	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED ²	WORK CATEGORY CODES ³	NAME OF DBEs (Must be certified on the date bids are opened include Caltrans' certification no., DBE address, and phone number. Show 2nd and lower tier subcontractors)	AMOUNT (\$)
26	TREATED WOOD WASTE		DIRT & AGGREGATE	\$5,375.00
28	REMOVE GUARDRAIL		INTERCHANGE, INC. Cert#20	\$9,420.00
76	MIDWEST GUARDRAIL SYSTEM (Steel Post)		20905 N.E. Sandy Blvd.	\$34,500.00
77	END ANCHOR ASSEMBLY (TYPE SFT)		Fairview, OR 97024	\$700.00
81	MOBILIZATION - PARTIAL		(503) 661-5093	\$5,000.00

Show all DBE firms being claimed for credit, regardless of tier. Attach written confirmation from each DBE shown stating that it will be participating in the contract to perform the specific work shown for the specific amount agreed to.

The names of the 1st tier DBE subcontractors and items of work must be consistent with the Subcontractor List (Pub Conf Code § 4100 et seq.).

¹Each DBE prime contractor must enter its certification number and show all work to be performed by DBEs, including work performed by its own forces.

²If 100% of an item is not to be performed or furnished by the DBE describe the exact portion of the item to be performed or furnished.

³Use Work Category Codes from the California Unified Certification Program database.

Total Claimed Participation	\$ 441,849.40
	12.43 %

The bidder acknowledges that it is committed to use the DBEs shown on this form to meet the contract goal (49 CFR 26.53).



Signature of Bidder Arlene Litsey - Secty/Treas

2/22/2016 (530) 222-0810
 Date (Area Code) Tel No.

Bill Spoon, Project Manager
 Person to Contact (Please Type or Print)

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EXHIBIT B

FACT SHEET

Federally Funded Contracts Evaluating DBE Participation Role of OBEO, Contract Evaluation Unit May 2013

The California Department of Transportation (Caltrans), Office of Business and Economic Opportunity (OBEO), Contract Evaluation Unit (CEU), is responsible for evaluating all Caltrans federally funded contracts and is responsible for counting Disadvantaged Business Enterprise (DBE) participation towards contract goals according to federal regulation. The CEU determines whether the goal has been met or an adequate good faith effort has been made by the contractor.

Bidder's Responsibility – For Meeting DBE Requirements	
<p>Refer to the Special Provisions of the specific contract you are bidding on for your responsibilities. Contracts are advertised on the Office Engineer's (OE) website at http://dot.ca.gov/hq/esc/oe/weekly_ads/index.php and the Division of Procurement and Contracts' (DPAC) website at http://caltrans-opac.ca.gov/contract.htm.</p>	
Contract Evaluation Unit's Responsibility – Counting DBE Participation	
Step 1	<p>A contract is received from Office Engineer (OE) or Division of Procurement and Contracts (DPAC) and the CALTRANS Bidder-DBE Commitment form from the prime contractor is reviewed to see if the prime contractor met the goal. If not, the good faith effort will be evaluated. See 49 CFR, Part 26, Appendix A, for good faith efforts guidance. This determination is based only on information timely submitted with the bid.</p>
Step 2	<p>Review the CALTRANS Bidder-DBE Commitment form from the prime contractor to:</p> <ul style="list-style-type: none"> • ensure that the DBEs are certified by checking the California Unified Certification Program (CUCP) database [cross referencing DBE work category code(s) with contract bid items] <i>(If the DBE is not certified, their participation will not be counted.)</i> • ensure that the DBEs possess the correct work category code for the type of work they are listed to perform http://www.dot.ca.gov/hq/bep/find_certified.htm <i>(If the DBE does not possess the correct work category code, their participation will not be counted.)</i> • verify the dollar amount claimed for credit is accurate <ul style="list-style-type: none"> ◦ amount claimed for credit on DBE Commitment form is consistent with written confirmation (quote) from DBE.** ◦ amount claimed for credit is consistent with the prime contractor's bid and subcontractor listing <p>Written confirmation (quotes) from the DBEs are reviewed to verify if the DBEs are committed to do the work on the Caltrans Bidder DBE Commitment form.**</p> <p>**Important Note: Rate sheets that are generic will not be accepted in lieu of written confirmation (quotes). This determination is based only on information timely submitted with the bid.</p>
Step 3	<p>Counting DBE participation: DBE participation is "counted" only where it is demonstrated that a certified DBE possessing the correct work codes will be actively participating on the contract. CEU will count DBE participation as follows:</p> <ul style="list-style-type: none"> • The entire amount of that portion of a construction contract that is performed by the DBE's own forces are counted. • DBE participation will not be counted if the DBE is not certified at the time of bid or if a certified DBE does not possess the correct work codes. • The method for counting trucking towards the DBE goal requires the following additional documentation: motor carrier permit, truck title, registration, and proof of insurance, trailer or tanker registration, bills of lading, sub-hauling agreements, existing commitments of trucking on other jobs, and subcontract specific information (e.g., type of material hauled, number of trucks/trailers/tankers, load capacity, distance traveled, and schedule). Truckers need to own at least one, operable, insured truck. • DBE trucking firms receive 100 percent credit for the value of the hauling. DBE trucking firms who sublease to other DBE firms or DBE owner operators receive 100 percent of the value of the hauling. • DBE trucking firms who sublease to non-DBE trucking firms or non-DBE owner operators receive credit for the transportation arrangement or broker fees <i>only</i> – typically from 5 -20 percent of the value of the hauling. • Cost of material or supplies are counted at 60 percent for regular dealers. Those claiming to be regular dealers of bulk items must additionally demonstrate that they own and operate appropriate distribution equipment. <p>Important Note: There may be times when further clarification of commitment is requested for other types of work.</p>
Step 4	<p>Determination is made regarding whether goal was met. If goal was not met, the good faith effort documentation will be evaluated.</p> <p>Important Note: The steps above are not all inclusive. Other steps may be taken in the contract evaluation process.</p>
Step 5	<p>The contracts are returned to OE or DPAC, whichever is applicable.</p>

FACT SHEET
Federally Funded Contracts
Monitoring DBE Participation
During Construction
May 2013

Role of the Division of Construction

California Department of Transportation (Caltrans) resident engineers and inspectors monitor the contract work to ensure the DBEs listed on the approved CALTRANS Bidder-DBE Commitment form perform the items of work specified at the time of bid opening and that no improper substitutions occur. Monitoring includes documenting the work DBEs perform by completing inspection reports. Resident engineers and inspectors ensure that all DBEs are performing a commercially useful function (CUF).

CUF is a matter of contract compliance that achieves two objectives: (1) ensures that dollars counted towards DBE goals are merited, and (2) ensures the Federal Government that funds entrusted to the State of California meet federal requirements.

Code of Federal Regulations 49, Part 26.55(c)(1)(2) states, "A DBE performs a commercially useful function when it is responsible for execution of the work on the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved."

To perform a commercially useful function, the DBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating a price, determining quality and quantity, ordering the material, and installing where applicable and paying for the material itself.

A DBE does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation.

To ensure DBEs are performing a CUF, the resident engineer or inspector documents the DBE's work in inspection reports and reviews additional documentation that verifies the DBE's participation. Some examples of the types of documents are:

- certified payroll records
- paid supplier invoices
- monthly trucking verification reports
- supplier bills of lading or purchase requests
- leases

Service and Architect and Engineering Contracts

Monitoring DBE participation, including whether a DBE is performing a CUF, are subject to the same guidelines as stated above [49 CFR, Part 26.55(c)(1)(2)].

For further details, please refer to 49 CFR, Part 26.55.

EXHIBIT C

2/29/2016

Unified Certification Program

[Back To Query Form](#)**Search Returned 1 Records**

Mon Feb 29 08:56:46 PST 2016

Query Criteria

Firm/DBA Name: charlie"s custom

Firm Type: DBE

Firm ID	37820
Firm/DBA Name	CHARLIE'S CUSTOM EXCAVATING, INC
Address Line1	21113 GILBERT DRIVE
Address Line2	
City	REDDING
State	CA
Zip Code1	96002
Zip Code2	
Mailing Address Line1	PO BOX 1160
Mailing Address Line2	
Mailing City	PALO CEDRO
Mailing State	CA
Mailing Zip Code1	96073
Mailing Zip Code2	
Certification Type	DBE
E-Mail	office@ccexcavatinginc.com
Contact Name	CHARLES JURIN
Area Code	(530)
Phone Number	221-3626
Alt Area Code	()
Alt Phone Number	
Fax Area Code	(530)
Fax Phone Number	221-7563
Agency Name	DEPARTMENT OF TRANSPORTATION
Counties	04; 12; 18; 31; 34; 45; 47; 51; 52; 53; 54; 55; 57; 58;
Districts	01; 02; 03; 06; 10;
DBE NAICS	113310; 237110; 237310; 237990; 238910;

ACDBE NAICS

Work Codes	C1200 CONSTRUCTION AREA SIGNS; C1201 TRAFFIC CONTROL SYSTEM; C1901 ROADWAY EXCAVATION; C1940 DITCHES EXCAVATION;
Licenses	A General Engineering Contractor; C31 Construction Zone Traffic Control Contractor;
Trucks	
Gender	M
Ethnicity	NATIVE AMERICAN
Firm Type	DBE

[Back To Query Form](#)

EXHIBIT D

EXHIBIT E

Sub Bid Quote from:

Charlie's Custom Excavating, Inc.

CA. LIC# 892338

D.B.E.**TRAFFIC CONTROL DIVISION**

PH: 530-221-3626

P.O. Box 1160

FAX: 530-221-7563

Palo Cedro, CA. 96073

CELL: 530-334-3037

UDBE Cert # 37820 SBE Cert # 1288320

CALTRANS PROJECT # 01-0A4904

Bid Opens: 02/18/2016

QTY	DESCRIPTION	UNIT PRICE	TOTAL
80	2 Man Flagging Crew - 10 hr Shift (Ref. std. plan T13) All cones and advanced portable warning signs as needed	1,400.00	\$112,000.00
1.S	PORTABLE CHANGEABLE MESSAGE BOARD with CCEI Traffic Control ONLY.	15,000.00	\$15,000.00
80	Pilot Car with Operator - 10 hr Shift - no mileage charge	850.00	\$68,000.00
680	Weed Control Mat (Fiber)	58.83	\$40,004.40
12000	Compost Sock	11.00	\$132,000.00
	Prices are good for 30 days from the date of this proposal, after that, prices are subject to adjustment based on fuel prices or wage requirement increases. Special Shifts and Subsistence areas will require changes to manpower rates at the amount required only. Traffic control bid based on a minimum of 5 consecutive days. 10 Days notice required prior to job start date or major changes in operations. Items not specifically included are considered to be excluded. All bid items are subject to a formal contract or PO suitable to both parties prior to any work starting. This bid is in good faith however, all bid items are subject to staff and equipment availability at the time of project start date. We hold both a C-31 and A license UDBE and Small Business Certified with the State of California. Will sign Union Agreement if needed. Call Charlie Jurin 530-334-3037 or Chris Wisinger 530-227-3965 with any questions		\$367,004.40

GIBBS GIDEN ATTORNEYS AT LAW

LOCHER TURNER SENET & WITTBRODT LLP

LOS ANGELES OFFICE
 1880 CENTURY PARK EAST
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FACSIMILE TRANSMISSION**FROM:** Sara H. Kornblatt, Esq.**DATE:** February 29, 2016**PAGES (incl. cover sheet):** 20

RECIPIENT	COMPANY	FAX NUMBER	TELEPHONE
Mr. John C. McMillan Deputy Division Chief	State of California, Dept. of Transportation Division of Engineering Services	(916) 227-6282	
CLIENT/MATTER:	Name: McCullough/Manning, Steve		
	No.: 4575.010		
ATTACHED PLEASE FIND:	Bid Protest of McCullough Construction of Steve Manning Construction, Inc.'s Bid		

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