



General Engineering Contractors – Paving, Chip Seal, Oil Spreading

9600 Windsor Avenue • Windsor, CA 95492 • TELEPHONE (707) 838-9751 FAX (707) 838-3361

STATE CONTRACTORS LICENSE #984141

April 15, 2014

MSC 43

Office Engineer Contracts Award Branch Chief  
California Department of Transportation  
1727 30<sup>th</sup> Street  
Sacramento, Ca 95816-7005

Attn: Earle Seaberg, Deputy Division Chief

Re: 01-DN-199-T0.0/4.2 Cold Plane & Surface HMA Surfacing (Bonded Wear Course)  
Caltrans Contract No. 01-0B8404  
WFC Bid No. P14021

Subject: Response to Formal Bid Protest from Chester Bross

We would like to take this opportunity to state that "No response has been Requested" but, Windsor Fuel Company (WFC) being a Competent and Responsible Contractor is providing this response as clarification to the Protest submitted by Chester Bross Construction Company (CBCC). We will point out that the Protest by CBCC is pointless and without merit.

The facts are simple in this matter and Windsor Fuel Company wishes to separate them into two categories, Bid submission and DVBE Submittal.

**Bid Submission:** WFC submitted its responsible Electronic Bid on bid day with the stated Subcontractors on bid day and no further forms were submitted by WFC. Since the bid was Electronic and the DES-OE-0102.2 is not part of the Electronic Bid Package, but to be submitted within 24 Hours if not complete when you submit your bid. WFC submitted all Listed Subcontractors with complete information at Bid time with no changes within 24 hours and no other revision were made. WFC submitted a Responsive Bid and was the Second Apparent Low Bidder announced on Bid Day.

**DVBE Submittal:** WFC submitted our DVBE Commitment Form within the time described in the 2010 Standard Specification, Section 2, 2-1.15B on Form DES-OE-0102.5 and meet the Goal Stated in the Notice to Bidders, 5%. The form States "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 Cont Code § 4100 et seq.) submitted with the bid. Identify second and lower tier subcontractors



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on this form". At no time did WFC try to add additional Subcontractors to the Subcontractor Listing Form. This was completed as described in the 2010 Standard Specification, Section 2, 2-1.15B. WFC submitted a Responsive Bid and was the Second Apparent Low Bidder announced on Bid Day.

A review of the "Certified DVBE Summary submitted by WFC shows that Item 2 Construction Area Signs was listed. This is considered an irregularity. There is no legal authority or California Law that would render the Bid Non-responsive for such an irregularity. At best and WFC will agree to, omit the Item Number 2 listing at \$4,100.00 as stated in the quote submitted by Titan DVBE and attached to the DVBE Submittal. The revised cost which equals \$30,975.00 for Wells Sweeping, then \$19,250.00 for Titan DVBE to bring the claimed amount to \$50,225.00. The bid total amount \$999,000.00 and the DVBE Claimed amount \$50,225.00 Certified DVBE participation for the mandatory goal of 5%.

Based upon the above reasons and for the sole purpose of this explanation, WFC is the Apparent Second Low Responsive Bidder. To consider CBCC's unfounded observations, would be in direct conflict to the Departments desire to comply with current rules, codes and regulations.

If I can be of further assistance, do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Armstrong", is written over the word "Sincerely,".

MARC ARMSTRONG  
Estimator/Project Manager

Cc: Mike Fain, Karl Meyers, Job Folder

1150 Willow Pass Road  
Pittsburg, CA 94565  
Phone: (925) 427-5266 Fax: (925) 427-1216  
Contractor's License #984141-A

**Windsor Fuel Company**

**WFC**

**To:** Caltrans **From:** Marc Armstrong

**Attention:** Office Engineer

**Fax:** 916-227-6282

**Pages:** 3

**Phone:** 916-324-6985

**Date:** 4/14/2014

**Re:** Contract No. 01-0B8404 Response to  
Bross Protest

**Urgent**     **For Review**     **Please Comment**     **Please Reply**     **Please Recycle**

● **Comments:**

Please see attached our Formal Response to Protest to Contract No. 01-0B8404, 01-DN-199-T0.0/4.2. Please let me know if you need any further information. Please confirm receipt. Hard Copy will be sent via Certified mail.

Thanks,

Marc