

**DEPARTMENT OF TRANSPORTATION**  
DIVISION OF ENGINEERING SERVICES  
OFFICE ENGINEER, MS 43  
1727 30<sup>th</sup> STREET  
P. O. BOX 168041  
SACRAMENTO, CA 95816-8041  
PHONE (916) 227-6195  
FAX (916) 227-6282  
www.dot.ca.gov/hq/esc/oe



*Flex your power!  
Be energy efficient!*

September 4, 2013

Facsimile: (405) 478-2880

Robert Everitt  
Interstate Road Management Corp.  
322 Rocky Road  
Hazelton, PA 18201

01-0C5104  
01-Hum, DN-101,199-Var  
B.O. 08/27/2013

Dear Mr. Everitt:

The Department of Transportation (Caltrans) received a bid submitted by Interstate Road Management Corp. (IRMC) for Contract No. 01-0C5104 on August 27, 2013. By this letter, Caltrans notifies IRMC that its bid is nonresponsive because IRMC failed to submit the written confirmation with the Disadvantage Business Enterprise (DBE) commitment form within 4 business days after bid opening.

*Section 2-1.12B (2) of the 2010 Standard Specifications states in part... "Submit written confirmation from each DBE shown on the form stating that it will be participating in the contract. Include confirmation with the DBE commitment form. A copy of a DBE's quote will serve as written confirmation that the DBE will be participating in the contract". In addition, the instructions on the DBE Commitment form also states in part... "Copies of the DBE quotes are required".*

Based on the above, Caltrans will proceed to award the contract to the lowest responsible bidder.

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,

A handwritten signature in black ink, appearing to read "John C. McMillan", written over a printed name.

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

Attachments

# Low Bidder

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION  
**CALTRANS BIDDER - DBE - COMMITMENT**  
 DES-OE-0102.10C (NEW 06/2012)

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 specifications. Failure to submit the required DBE information will be grounds for finding the bid nonresponsive.

CONTRACT NO:

01-0C5104

BID AMOUNT:

\$ 213,480.50

BID OPENING DATE:

6/27/13

BIDDER'S NAME:

INTERSTATE ROAD MANAGEMENT CORP

DBE GOAL FROM CONTRACT, %:

8.0

DBE PRIME CONTRACTOR CERTIFICATION<sup>1</sup>:

BID ITEM NO	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED <sup>2</sup>	FOR CALTRANS USE ONLY	NAME OF DBEs (Must be certified on the date bids are opened - include Caltrans certification #, DBE address and phone number) (Indicate 2nd and lower tier subcontractors)	DOLLAR AMOUNT DBE <sup>3</sup>
2,3,4	TRAFFIC CONTROL		Charlies Custom ERECAVATING P.O. Box 1160 Palo Alto, CA #37820	<del>21,405.00</del> 21,405.00

IMPORTANT: Identify all DBE firms being claimed for credit, regardless of tier. Names of the First Tier DBE Subcontractors and their respective item(s) of work listed above must be consistent, where applicable, with the names and items of work in the "Subcontractor List" submitted with your bid. Copies of the DBE quotes are required.

- 1 DBE prime contractors must enter their certification number and indicate all work to be performed by DBEs including work performed by its own forces.
- 2 If 100% of item is not to be performed or furnished by DBE, describe exact portion of item to be performed or furnished.
- 3 See section 2-1.12 of the specifications to determine the credit allowed for DBE firms.

Submit to:

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

Total Claimed Participation

\$ 21,405

10 %

Signature of Bidder:

8/26/13  
 Date

917 808 1466  
 (Area Code) Tel. No.

Person to Contact

(Please Type or Print)

Robert Everitt

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-89, Sacramento, CA 95814.

**2-1.12B(2) UDBE Commitment Submittal**

Submit UDBE information on the *Caltrans Bidder - UDBE - Commitment* form (UDBE commitment form) included in the *Bid* book. If the form is not submitted with the bid, remove the form from the *Bid* book before submitting your bid.

If the UDBE commitment form is not submitted with the bid, the apparent low bidder, the 2nd low bidder; and the 3rd low bidder must complete and submit the form to the Office Engineer. The UDBE commitment form must be received by the Office Engineer no later than 4:00 p.m. on the 4th business day after bid opening.

Other bidders are not required to submit the UDBE commitment form unless the Department requests it. If the Department requests a UDBE commitment form from you, submit the completed form within 4 business days of the request.

Submit written confirmation from each UDBE shown on the form stating that it will be participating in the Contract. Include confirmation with the UDBE commitment form. A copy of a UDBE's quote will serve as written confirmation that the UDBE will be participating in the Contract.

If you do not submit the UDBE commitment form by the specified time, your bid is nonresponsive.

**2-1.12B(3) Good Faith Efforts Submittal**

If you have not met the UDBE goal, complete and submit the *Good Faith Efforts Documentation* form with the bid showing that you made adequate good faith efforts to meet the goal. Only good faith efforts directed toward obtaining participation by UDBEs are considered. If good faith efforts documentation is not submitted with the bid, it must be received by the Office Engineer no later than 4:00 p.m. on the 4th business day after bid opening.

If your UDBE commitment form shows that you have met the UDBE goal or if you are required to submit the UDBE commitment form, you must submit good faith efforts documentation within the specified time to protect your eligibility for award of the contract in the event the Department finds that the UDBE goal has not been met. Good faith efforts documentation must include the following information and supporting documents, as necessary:

1. Items of work you have made available to UDBE firms. Identify those items of work you might otherwise perform with your own forces and those items that have been broken down into economically feasible units to facilitate UDBE participation. For each item listed, show the dollar value and percentage of the total bid. You are responsible to demonstrate that sufficient work to meet the goal was made available to UDBE firms.
2. Names of certified UDBEs and dates on which they were solicited to bid on the project. Include the items of work offered. Describe the methods used for following up initial solicitations to determine with certainty whether the UDBEs were interested and include the dates of the follow-up. Attach supporting documents such as copies of letters, memos, facsimiles sent, telephone logs, telephone billing statements, and other evidence of solicitation. You are reminded to solicit certified UDBEs through all reasonable and available means and provide enough time to allow UDBEs to respond.
3. Name of selected firm and its status as a UDBE for each item of work made available. Include name, address, and telephone number of each UDBE that provided a quote and its price quote. If the firm selected for the item is not a UDBE, provide the reasons for the selection.
4. Name and date of each publication in which you requested UDBE participation for the project. Attach copies of the published advertisements.
5. Names of agencies and dates on which they were contacted to provide assistance in contacting, recruiting, and using UDBE firms. If the agencies were contacted in writing, provide copies of supporting documents.
6. List of efforts made to provide interested UDBEs with adequate information about the plans, specifications, and requirements of the contract to assist them in responding to a solicitation. If you have provided information, identify the name of the UDBE assisted, the nature of the information provided, and date of contact. Provide copies of supporting documents, as appropriate.
7. List of efforts made to assist interested UDBEs in obtaining bonding, lines of credit, insurance, necessary equipment, supplies, and materials excluding supplies and equipment that the UDBE subcontractor purchases or leases from the prime contractor or its affiliate. If such assistance is provided by you, identify the name of the UDBE assisted, nature of the assistance offered, and date assistance was offered. Provide copies of supporting documents, as appropriate.

8. Any additional data to support demonstration of good faith efforts.

The Department may consider UDBE commitments of the 2nd and 3rd bidders in determining whether the low bidder made good faith efforts to meet the UDBE goal.

### **2-1.13–2-1.14 RESERVED**

### **2-1.15 DISABLED VETERAN BUSINESS ENTERPRISES**

#### **2-1.15A General**

Section 2-1.15 applies to a non-federal-aid contract.

Take necessary and reasonable steps to ensure that DVBEs have opportunity to participate in the Contract.

Comply with Mil & Vet Code § 999 et seq.

#### **2-1.15B Projects \$5 Million or Less**

Section 2-1.15B applies to a project with an estimated cost of \$5 million or less.

Make work available to DVBEs and select work parts consistent with available DVBE subcontractors and suppliers.

Meet the goal shown on the *Notice to Bidders*.

Complete and submit the *Certified DVBE Summary* form. List all DVBE participation on this form. For an informal-bid contract, submit the form with your bid. For a non-informal-bid contract, you may submit the form with your bid; if you do not, submit it such that it is received at the Office Engineer no later than 4:00 p.m. on the 4th business day after bid opening. If a DVBE joint venture is used, submit the joint venture agreement with the *Certified DVBE Summary* form.

List each 1st-tier DVBE subcontractor in the *Subcontractor List* form regardless of percentage of the total bid.

#### **2-1.15C Projects More Than \$5 Million**

##### **2-1.15C(1) General**

Section 2-1.15C applies to a project with an estimated cost of more than \$5 million

The Department encourages bidders to obtain DVBE participation to ensure the Department achieves its State-mandated overall DVBE goal.

If you obtain DVBE participation:

1. Complete and submit the *Certified DVBE Summary* form. List all DVBE participation on this form.
2. List each 1st tier DVBE subcontractor in the *Subcontractor List* form regardless of percentage of the total bid.

##### **2-1.15C(2) DVBE Incentive**

The Department grants a DVBE incentive to each bidder who achieves a DVBE participation of 1 percent or greater (Mil & Vet Code 999.5 and Code of Regs § 1896.98 et seq.).

To receive this incentive, submit the *Certified DVBE Summary* form. For an informal-bid contract, submit the form with your bid. For a non-informal-bid contract, you may submit the form with your bid; if you do not and you are the low bidder or the 2nd or 3rd low bidder, submit it such that it is received at the Office Engineer no later than 4:00 p.m. on the 4th business day after bid opening. If a DVBE joint venture is used, submit the joint venture agreement with the *Certified DVBE Summary* form. Other bidders may be required to submit this form if bid ranking changes.

##### **2-1.15C(3) Incentive Evaluation**

The Department applies the small business and non-small business preference during bid verification and proceeds with the evaluation specified below for DVBE incentive.

**Add to the table in section 1-1.11:**

01-20-12

Office Engineer--All Projects Currently Advertised	<a href="http://www.dot.ca.gov/hq/esc/oe/weekly_ads/all_advertised.php">http://www.dot.ca.gov/hq/esc/oe/weekly_ads/all_advertised.php</a>	--	--
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AA

**2 BIDDING**

07-19-13

**Replace the 3rd paragraph of section 2-1.06B with:**

01-20-12

If an *Information Handout* or cross sections are available:

1. You may view them at the Contract Plans and Special Provisions link at the Office Engineer--All Projects Currently Advertised Web site
2. For an informal-bid contract, you may obtain them at the Bidders' Exchange street address

01-20-12

**Add a paragraph break between the 1st and 2nd sentences of the 5th paragraph of section 2-1.06B.**

**Add between "and" and "are" in item 2 in the list in the 7th paragraph of section 2-1.06B:**

04-20-12

they

06-20-12

**Delete "Underutilized" in "Underutilized Disadvantaged Business Enterprises" in the heading of section 2-1.12B.**

06-20-12

**Delete *U* in *UDBE* at each occurrence in section 2-1.12B.**

**Replace the 2nd paragraph of section 2-1.12B(1) with:**

06-20-12

To ensure equal participation of DBEs provided in 49 CFR 26.5, the Department shows a goal for DBEs.

06-20-12

**Delete the 3rd paragraph of section 2-1.12B(1):**

**Replace the 7th paragraph of section 2-1.12B(1) with:**

06-20-12

All DBE participation will count toward the Department's federally-mandated statewide overall DBE goal.

ep 4 2013 04:12:7

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

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STATE OF CALIFORNIA - CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr. Governor

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Sincerely,

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

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