

DESILVA GATES
CONSTRUCTION

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CONTRACTORS LICENSE NO. 704195 A

April 2, 2015

VIA FACSIMILE (916) 227-6282

John McMillan
Deputy Division Chief
Division of Engineering Services
Office Engineer, MS 43
1727 30th Street
P.O. Box 168041
Sacramento, CA 95816-8041

Re: Contract No. 01-262054
Bids Opened: March 12, 2015
Response to Hanford Applied Restoration & Conservation's Letter Regarding Bid Protest

Dear Mr. McMillan:

DeSilva Gates Construction, LP (DGC) has reviewed the letter dated April 1, 2015 provided by Hanford Applied Restoration & Conservation (Hanford), which is in response to DGC's Bid Protest letter dated March 27, 2015. Hanford's response failed to address the issues and errors raised by DGC's letter. Based upon DGC's Bid Protest letter and Hanford's lack of a complete response, Hanford's bid must be rejected as non-responsive and ineligible for award of this Contract.

In addition, to the points raised in DGC's Bid Protest letter, Hanford still has not addressed two major deficiencies in their Bid and they are as follows:

1. Hanford listed California Environmental Services (CES) on their Subcontractor List form and DBE Commitment form. However, Hanford provided no breakdown to calculate the claimed amount of \$360,000.00. On the day of the bid Hanford listed CES to perform 100% of Bid Item No. 18. In addition, CES's quote (Attachment 1) contemplates that the project will require one designated biologist from June 1, 2015 through October 15, 2015 and from June 1, 2016 through October 15, 2016. The Contract time on this Project is five hundred (500) working days with another three years of Plant Establishment work. Five hundred working days in this area will equate to four to five years. With Contract work starting in June 2015, completion prior to Plant Establishment work will be in 2019. Three years of Plant Establishment work

Contract #01-262054 Rcspnse Letter

April 2, 2015

Page 2 of 2

will extend the Contract work out until 2022. If CES's quote is for two years, who is doing the other six years of Bid Item No. 18? It is clear that CES is not performing 100% of Bid Item No. 18. Hanford's listing on Bid Day was wrong and their Bid should be rejected as non-responsive.

2. Hanford listed Cutler Trucking, Inc. DBA: R&S Trucking (Cutler) on page No. 8 of their bid (Attachment No. 2). The portion of the work subcontracted to Cutler was as follows:

<u>Bid Item No.</u>	<u>Percentage</u>	<u>Description</u>
19	31	Roadway Excavation Hauling
28	5.4	Wood Mulch Hauling
36	12.5	RSP Facing Hauling
37	11.6	RSP #3 Hauling
39	10.2	Cobble Stone

For Bid Item No. 39, Hanford failed to list the "description of the subcontracted work if the percentage of the bid item listed is less than 100 percent" as required by Sub Section No. 4.3 of Addendum No. 3 (Attachment No. 3). Hanford listed only the bid item description for Bid Item No. 39. The bid item description does not provide the information required by Addendum No. 3.

For the reasons stated above and the reasons provided in DGC's Bid Protest letter, the bid submitted by Hanford is still clearly non-responsive and must, in accordance with applicable law and the requirements of the Contract, be rejected as non-responsive. The failure to provide correct percentages for the bid items, along with the failure to provide, in its bid, the work to be performed by the subcontractor or entity, violates the Subcontractor Listing Law and the requirements of the bid documents.

In conclusion, accordingly, the contract should be awarded to DeSilva Gates Construction as the lowest monetary, responsive and responsible bidder.

Sincerely
DeSilva Gates Construction



Michael A. Kloos
Vice-President

Attachment No. 1 – California Environmental Services Quote
Attachment No. 2 – Page No. 8 of Hanford's Bid
Attachment No. 3 – Addendum No. 3

ATTACHMENT NO. 1

California Environmental Services Quote



California Environmental Services
3170 Crow Canyon Place Ste. 250
San Ramon, CA 94583-1157
Phone: (925) 289-7459 Fax: (925) 860-5782

**CALTRANS CONTRACT #01-262054
WILLITS, MENDOCINO COUNTY, CALIFORNIA
CONTRACTOR-SUPPLIED BIOLOGIST:
ANNUAL SCOPE OF WORK**

California Environmental Services (CES) has been requested to prepare this Scope of Work and estimated budget to provide comprehensive biological monitoring services during construction of the Willits Bypass Project (Project), located near the City of Willits, Mendocino County, California. Biological Monitoring tasks are identified throughout the Project permits, including: Lake or Streambed Alteration Agreement 1600-2010-0044-R1 Amendment No. 1 and Incidental Take Permit No. 2081-2010-007-01 (Revised March 10, 2014) as well as the Mitigation, Monitoring and Reporting Plan prepared for the Project. The Project is anticipated to take two years to complete. This Scope of Work outlines the tasks, staffing, assumptions, and costs associated with providing comprehensive biological monitoring services for this Project for one year.

TASKS

Task 1: Biological Monitoring

Description: CES will develop and provide an educational program for all persons employed or otherwise working on the Project site prior to performing any work on-site as described in Section 2.5 of the Lake or Streambed Alteration Agreement 1600-2010-0044-R1 Amendment No. 1 (Agreement) issued for the Project. The program will consist of a presentation that includes a discussion of the sensitive resources existing within and adjacent to the Project area, including State- and federally-listed species, as well as the protective measures required in the Agreement and the Incidental Take Permit (ITP) issued for the Project. Interpretation shall be provided for non-English speaking workers, and the same instruction shall be provided for any new workers prior to their performing work on-site. CES will prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry on-site. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. These forms will be maintained in a project permit binder kept on site by the Designated Biologist.

CES will provide one biological monitor (Designated Biologist) knowledgeable and experienced in the biology and natural history of the Project area. The Designated Biologist will be on-site daily during Project activities including all pile installation, dewatering, channel-, vegetation- or ground-disturbing activities that may affect special-status species are taking place to: (1) minimize incidental take of special-status species; (2) check for compliance with all mitigation and avoidance measures; (3) check all exclusion zones; and (4) ensure that signs, stakes, and fencing are intact, and that human activities are restricted outside of these protective zones.

The Designated Biologist will prepare a Daily Monitoring Report (DMR) summarizing: disturbance activities observed, oversight activities and compliance inspections, observations of fish and wildlife resources including special-status species, survey results, and monitoring activities required by the Agreement and other Project permits.

Designated Biologists will also conduct compliance inspections a minimum of once per month during periods of inactivity and after clearing, grubbing, and grading are completed.

Assumptions:

- CES assumes that one Designated Biologist will be required from June 1, 2015 through October 15, 2015 and from June 1, 2016 through October 15, 2016.
- CES assumes construction activities will take place Monday through Friday and that no weekend or holiday work will be required.
- CES assumes that work days will begin at approximately 7 am and conclude at approximately 3:30 pm (i.e. an 8-hour workday) and that no overtime will be required.
- CES assumes that educational training will occur in the normal course of each workday during safety tailboard meetings and that no separate, additional trainings will be required.

Deliverables:

- CES assumes that DMRs will be compiled weekly and submitted to either the Contractor or Caltrans in Microsoft Word™ format for subsequent submission to the resource and/or regulatory agencies.
- CES assumes that no hard copies of the weekly summaries will be required.

Annual Cost: \$86,846.00

Task 2: Special-Status Fish Relocations

Description: Per Section 2.29 of the Agreement, CES will provide up to two qualified fisheries biologists that are authorized by National Marine Fisheries Service (NMFS) and California Department of Fish and Wildlife (CDFW) to handle listed salmonids. Captured fish will be segregated by size to minimize predation, and maintained in cool, well-oxygenated water until released to suitable habitat outside the construction impact area.

Assumptions:

- CES assumes that one round of fish capture and relocation will be required for the Project.
- CES assumes that one round of fish capture and relocation will require no more than five 8-hour consecutive days to complete.
- CES assumes that a written report of capture and relocation efforts will be required.

• Cost: \$16,820.00



California Environmental Services
3170 Crow Canyon Place Ste. 250
San Ramon, CA 94583-1157
Phone: (925) 789-7459 Fax: (926) 866-6758

Task 3: Written Reports

Description: CES will prepare or assist in the preparation of the following reports:

- **Quarterly Compliance Report:** CES will compile the observation and Inspection records identified in Section 4.1 of the Agreement (i.e. DMRs) into a Quarterly Compliance Report and along with a summary of Project activities, the current implementation status of each mitigation measure identified in the Agreement, and any recommended modifications in monitoring methods. Draft Quarterly Reports will be prepared every three months (i.e., August and November) during the construction monitoring period of June 1 through October 15. Draft Quarterly Reports will be submitted to the Contractor and/or Caltrans for finalization.

Assumptions:

- CES assumes one round of review and revisions of the Draft Quarterly Compliance Reports.
- CES assumes that no hard copies of the Final Quarterly Compliance Reports will be required.

• **Cost: \$10,130.00**

Schedule:

The Draft Quarterly Compliance Report will be electronically submitted in Microsoft Word® format to the contractor or Caltrans as appropriate for review on September 15 and November 15. Accompanying figures and/or graphics will be submitted in Adobe Acrobat® PDF format. Upon receipt of edits, comments, and/or questions, CES will complete revisions to the Draft Quarterly Compliance Report within 10 days and submit the Final Quarterly Compliance Report electronically to the contractor or Caltrans as appropriate.

Task #1: Biological Monitoring	\$86,846.00
Task #2: Special-status Fish Relocations	\$16,820.00
Task #3: Written Reports	\$10,130.00
Annual Total Not-to-Exceed Amount	\$113,796.00

Wilds, Mendocino County, CA- Caltrans Contract # 01-262054
Biological Services- Estimated Annual Costs

	Hourly Rate	Total Hours	Total \$	May 2015	Jun 2015	Jul 2015	Aug 2015	Sep 2015	Oct 2015	Nov 2015	TOTAL
Task 1: Biological Monitoring											
Senior Biologist/Botanist	\$ 115.00	10.00	\$ 1,150.00	-	2.00	2.00	2.00	7.00	2.00	-	-
Staff Biologist/Botanist	\$ 62.00	1,178.00	\$ 73,036.00	8.00	234.00	234.00	234.00	234.00	234.00	-	-
Associate GIS Specialist	\$ 75.00	4.00	\$ 300.00	4.00	-	-	-	-	-	-	-
Administrative	\$ 45.00	12.00	\$ 540.00	2.00	2.00	2.00	2.00	2.00	2.00	-	-
TOTAL		1,204.00	\$ 75,026.00								
Task 2: Compliance Reports											
Senior Biologist/Botanist	\$ 115.00	8.00	\$ 920.00	-	-	-	4.00	-	-	4.00	-
Associate Biologist/Botanist	\$ 75.00	8.00	\$ 600.00	-	-	-	-	-	-	-	-
Staff Biologist/Botanist	\$ 52.00	120.00	\$ 7,440.00	-	-	-	40.00	-	-	40.00	-
Associate GIS Specialist	\$ 75.00	12.00	\$ 900.00	-	-	-	4.00	-	-	4.00	-
Administrative	\$ 45.00	6.00	\$ 270.00	-	-	-	2.00	-	-	2.00	-
TOTAL		154.00	\$ 10,130.00								
Task 3: Special Studies Fish Relocations											
Senior Biologist/Botanist	\$ 115.00	62.00	\$ 7,170.00	-	-	-	62.00	-	-	-	-
Associate Biologist/Botanist	\$ 75.00	90.00	\$ 6,750.00	-	-	-	90.00	-	-	-	-
Associate GIS Specialist	\$ 75.00	4.00	\$ 300.00	-	-	-	4.00	-	-	-	-
Administrative	\$ 45.00	4.00	\$ 180.00	-	-	-	4.00	-	-	-	-
TOTAL		160.00	\$ 14,380.00								
TOTAL Fees				\$ 886.00	\$ 14,876.00	\$ 14,876.00	\$ 32,618.00	\$ 16,828.00	\$ 14,828.00	\$ 3,352.00	\$ 99,816.00
ODCS											
Mileage	\$0.575	8,400	\$ 4,830.00	\$ 230.00	\$ 520.00	\$ 920.00	\$ 1,390.00	\$ 920.00	\$ 400.00	\$ -	\$ 4,830.00
Field equipment (camera, compass, phone)	\$ 25.00	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Field equipment (camera, phone)	\$ 10.00	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Per diem/housing	\$ 1,500.00	5.5	\$ 8,250.00	\$ -	\$ 1,500.00	\$ 1,500.00	\$ 3,000.00	\$ 1,600.00	\$ 750.00	\$ -	\$ 8,250.00
GPS (sub-meter)	\$ 20.00	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
GPS (1-miler)	\$ 8.00	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Gumtree escape	\$ 65.00	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PH-10 meter	\$ 35.00	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Electro Shocker	\$ 100.00	5	\$ 500.00	\$ -	\$ -	\$ -	\$ 500.00	\$ -	\$ -	\$ -	\$ 500.00
Travel	\$ 400.00	1	\$ 400.00	\$ 400.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 400.00
Supplies	\$ 300.00	3	\$ 900.00	\$ 300.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 900.00
Printing/Copies	\$ 200.00	1	\$ 200.00	\$ 200.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 200.00
TOTAL Other Direct Costs			\$ 979.00	\$ 2,420.00	\$ 2,420.00	\$ 4,860.00	\$ 2,420.00	\$ 2,420.00	\$ 1,210.00	\$ -	\$ 14,280.00
TOTAL Fees and Other Direct Costs				\$ 1,816.00	\$ 17,246.00	\$ 17,246.00	\$ 37,398.00	\$ 17,248.00	\$ 16,038.00	\$ 3,352.00	\$ 115,786.00



Caltrans Contract #01-262054: Biological Monitoring Services Estimated Costs for One Year

Labor Classification	Hourly Rate	Hours	Projected Cost
Senior Biologist/Botanist	\$ 115.00	80.00	\$ 9,200.00
Staff Biologist/Botanist	\$ 62.00	1,298.00	\$ 80,476.00
Associate GIS Specialist	\$ 75.00	20.00	\$ 1,500.00
Administrative	\$ 45.00	22.00	\$ 990.00
16,166.00			
Other Direct Costs	Rate/Cost	Units	Projected Cost
Mileage	\$0.575	8,400.00	\$ 4,830.00
Per diem/Housing	\$ 1,500.00	5.50	\$ 8,250.00
Electro Shocker	\$ 100.00	5.00	\$ 500.00
Travel			\$ 100.00
Supplies			\$ 300.00
Printing/Copies			\$ 300.00
16,166.00			

Per Diem = $\frac{1,500}{1 \text{ MO}} = \852
 176 HRS

STAFF BIC = \$62/HR

TRAVEL = $\frac{\$8,250}{5.5 \text{ MO}} \times \frac{176 \text{ DAYS}}{176 \text{ DAYS}} = \$8.59 / \text{HR}$

TOTAL = \$62 + \$852 + \$8.59
 = \$920.59



ATTACHMENT NO. 2

Page No. 8 of Hanford's Bid

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
Contract No.: 01-262054 Project ID: 0115000013
Bidder Name: Hanford Applied Restoration & Conservation Bidder ID: VC0000020007
DES-OE-0102.2B (REV 5/2014)

Bidding Firm: Hanford Applied Restoration & Conservation

List this sub? Yes

1) Business Name California Environmental Services
Location City San Ramon State ca
California Contractor License Number 0
CA Department of Industrial Relations' Registration Number 1000011373
Portion of Work Subcontracted:

Item #	Description
18 100	Contractor Supplied Biologist

List this sub? Yes

2) Business Name Olivera Fencing
Location City Santa Clara State CA
California Contractor License Number 404243
CA Department of Industrial Relations' Registration Number 1000003214
Portion of Work Subcontracted:

Item #	Description
40 100	Temporary Fencing Type CL-3

List this sub? Yes

3) Business Name Cutler Trucking, Inc. dba: R&S Trucking
Location City Pulton State ca
California Contractor License Number 0
CA Department of Industrial Relations' Registration Number 1000007196
Portion of Work Subcontracted:

Item #	Description
19 31	Roadway Excavation Hauling
28 5.4	Wood Mulch Hauling
36 12.5	RSP Facing Hauling
37 11.6	RSP #3 Hauling
39 10.2	Cobble Stone

ATTACHMENT NO. 3

Addendum No. 3

Replace section 2-1.10 of the RSS with:

2-1.10 SUBCONTRACTOR LIST

On the Subcontractor List form, list each subcontractor to perform 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.).

For each subcontractor listed, the Subcontractor List form must show:

1. Business name and the location of its place of business.
2. California contractor license number for a non-federal-aid contract.
3. Department of Industrial Relations' registration number
4. Portion of work it will perform. Show the portion of the work by:
 - 4.1. Bid item numbers for the subcontracted work
 - 4.2. Percentage of the subcontracted work for each bid item listed
 - 4.3. Description of the subcontracted work if the percentage of the bid item listed is less than 100 percent

