

HANFORD

A.R.C.

LANDSCAPE · ENGINEERING

Date: April 3, 2015

Mr. John C. McMillan
DEPARTMENT OF TRANSPORTATION
Division Of Engineering Services
P.O. Box 168041, MS-43
Sacramento, CA 95816-8041
Fax No.: (916) 227-6282

Re: Construction Adjacent To State Highway In Mendocino County In And Near Willits At
Various Locations
01-262054
01-Men-101-45.0/50.8
Project ID 0115000013
B.O. 3/12/2015

Dear Mr. McMillan,

We reviewed the **second** bid protest submitted by DeSilva Gates Construction, LP ("DeSilva") dated April 2, 2015, and found it to be baseless, and without any merit. DeSilva states that its letter is a "Response to Hanford Applied Restoration & Conservation's Letter Regarding Bid Protest." However, DeSilva fails to address Hanford's April 1, 2015 response. Instead, in its April 2, 2015 letter, DeSilva tries to raise **two new arguments** that are of no merit.

As discussed below, DeSilva's contentions are based on DeSilva's seemingly willful misunderstandings of Hanford's bid documents. Hanford's bid documents are compliant and responsive. Hanford requests that its bid be accepted as the lowest, responsive and responsible bidder.

I. Summary

1. Regarding California Environmental Sciences (CES), Hanford provided all the required information on the Subcontractor List as well as the DBE-Commitment Form. DeSilva argues that some other company is doing part of the work. DeSilva is incorrect. CES is accurately listed as performing 100% of Bid Item 18.

LIE NO 481167

23195 Maffei Road
Sonoma, CA 95476
Tel: 707 996 6633
Fax: 707 996 6641

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Regardless, because CES is not a subcontractor performing work as defined by the Public Contract Code section 4100, *et seq.*, CES is a superfluous entry on Hanford's Subcontractor List and any errors would be immaterial and subject to waiver.

2. Regarding Cutler Trucking, Inc. dba R&S Trucking ("Cutler Trucking), Hanford properly identified the services to be performed by Cutler Trucking. Cutler Trucking is a trucking company that will be providing trucking services, and only trucking services, to Hanford on Bid Item 39. Regardless, because Cutler Trucking is not a subcontractor performing work as defined by the Public Contract Code section 4100, *et seq.*, Cutler Trucking is a superfluous entry on Hanford's Subcontractor List and any errors would be immaterial and subject to waiver.

II. Responses To Individual Issues Raised By DeSilva

Item 1: Hanford correctly identified California Environmental Sciences ("CES") as performing 100% of Bid Item 18. Further, because CES is not a subcontractor performing work as defined by the Public Contract Code section 4100, *et seq.*, inclusion of CES on the Subcontractor List is superfluous; therefore, even if there were such an error, it would be immaterial and should be waived.

Hanford correctly identifies CES as performing 100% of Bid Item 18. An excerpt from Hanford's Subcontractor List shows that CES will be performing 100% of Bid Item 18.

- 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

It is abundantly clear that Hanford identified CES as performing 100% of Bid Item 18. There is no dispute or discrepancy about what is stated in the Subcontractor List. This should end any inquiry into this item.

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DeSilva ignores Hanford's Subcontractor List. DeSilva tries to assert that the quote from CES attached to Hanford's DBE-Commitment Form is a quote that assumes work through October 2016, and further assumes that Hanford must have some other biologist to perform work after October 2016. DeSilva is incorrect.

The CES quote is for \$113,796 for a time period through October 2016. However, in Hanford's DBE-Commitment form, CES is listed as providing \$360,000.00 of work. The \$360,000.00 amount takes into account work from CES projected out through the entirety of the performance of the project. An excerpt from Hanford's DBE-Commitment Form showing the \$360,000 amount for CES is below.

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
DBE - COMMITMENT
 DE-8-OE-0102.10D (REV 12/2014)

CONTRACT NO:		01-262054		
BID AMOUNT:		\$ 12,631,386.78		
BID OPENING DATE:				
BIDDER'S NAME:		Hanford Applied Restoration & Conservation		
DBE GOAL FROM CONTRACT%:		9%		
DBE PRIME CONTRACTOR CERTIFICATION ¹ :	TOTAL NUMBER OF ALL SUBCONTRACTS (DBE & NON-DBE)	TOTAL VALUE OF ALL SUBCONTRACTS (DBE & NON-DBE)		
	4 Each			
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 DBEs (Must be certified on the date bids are opened, include Caltrans' registration no., DBE address, and phone number. When bid and issue for subcontractors)	AMOUNT (\$)
18	Contractor Supplied Biologist C8713		Orlando Environmental Services 3110 Great Campus Place Ste. 200 San Ramon, CA 94583 (925)738-7400 CA Cert. #2286/Date 10/03/11/973	\$ 360,000.00

DeSilva is mistaken. Hanford's Subcontractor List is correct. CES was properly identified as performing 100% of Bid Item 18. Hanford provided all information required in the Subcontractor List as well as the DBE-Commitment Form.

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DeSilva appears to be unsatisfied without a quote for the entire contract period. Such a quote is not required pursuant to the DBE-Commitment Form or the Subcontractor List. In its protest, DeSilva seeks to have Hanford provide information that is not required by Caltrans.

DeSilva asks that its erroneous assumptions, based on a misreading of CES's quote, somehow overrule Hanford's Subcontractor List. DeSilva is wrong. Hanford's Subcontractor List is controlling. Therefore, DeSilva's protest must be denied, and the contract should be awarded to Hanford as the lowest, responsive and responsible bidder.

Hanford's information about CES in its Subcontractor List is correct. Regardless, even if there were an error, such information is immaterial and subject to waiver.

CES is an environmental services / biologist company, not a contractor. CES was identified on the Subcontractor List as having (i) no contractor's license number and (ii) no contractor's license. As the Subcontractor's List is for subcontractors, not environmental services / biologists such as CES. CES did not actually have to be included on the Subcontractor List.

If a company is not required to be listed in Subcontractor List pursuant to the Public Contract Code section 4100, *et seq.*, that listing is superfluous and any errors associated with that superfluous entry are immaterial and waived. (Attachment 9, 4/2/14 Bay Cities Grading & Paving, Inc. Letter.) In the Bay Cities bid, a company performing SWPPP, a rain event action plan, storm water sampling analysis, etc. was determined not to be performing work subject to the listing laws found in Public Contract Code section 4100 (*et seq.*). Consequently, the listing of that SWPPP, storm water, etc. company was superfluous. Any errors related to a superfluous company, such as failure to list a Bid Item or a failure to provide a percentage of work to be performed was "immaterial" and should be waived.

In Hanford's bid, CES is an environmental services / biologist company that is not a licensed contractor. CES will not be performing any work subject to the listing laws found in Public Contract Code section 4100 (*et seq.*). CES is not required to be included in Hanford's Subcontractor List. If any errors existed with regard to CES' entry on the Subcontractor List, such an error would be immaterial and subject to waiver.

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Item 2: Hanford properly identified the trucking work that Cutler Trucking, Inc. dba R&S Trucking will be performing on Bid Item 39.

DeSilva incorrectly argues that Hanford failed to identify the trucking that Cutler Trucking will perform on Bid Item 39. Apparently, DeSilva is trying to question what work a trucking company will perform regarding a Bid Item which requires materials to be hauled on site. DeSilva is trying to manufacture a discrepancy where none exists.

It is clear that Cutler Trucking will be performing trucking, and only trucking, for Bid Item 39 for multiple reasons.

First, Cutler Trucking is identified as a trucking company in the Subcontractor List. Cutler Trucking is identified as "Cutler Trucking, Inc. dba R&S Trucking" in the Subcontractor List. There is no reason not to believe Hanford's designation of Cutler Trucking as a trucking company. The Subcontractor List shows that Cutler Trucking is a trucking company:

3) Business Name Cutler Trucking, Inc. dba: R&S Trucking
Location City Fulton 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

Second, Hanford's Subcontractor List states explicitly that Cutler Trucking is not a contractor and therefore cannot perform work other than trucking. DeSilva tries to assert that Cutler Trucking might be performing some other task than trucking. This assumption is rebutted by Hanford's bid documents. Hanford identified that Cutler Trucking is not a contractor. Under the item "California Contractor License Number", Hanford stated that the contractor's license is listed as "0." Cutler Trucking is not in possession of a contractor's license, and is not a contractor. Cutler Trucking could not be used for subcontractor work. Cutler Trucking is limited to perform the services it was identified as performing: trucking.

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Third, Cutler Trucking's quote attached to the DBE-Commitment Form is only for trucking. Hanford provided Cutler Trucking's quote attached to its DBE-Commitment Form. (Attachment 10, Cutler Trucking Quote.) Cutler Trucking's quote is only for trucking services. Cutler did not provide any quotes for any work other than trucking. Therefore, it is clear that Cutler Trucking will be performing trucking related to Bid Item 39.

Fourth, Cutler Trucking's trucking for Bid Item 39 arises out of the same nexus as Bid Item 36 and Bid Item 37, items which Cutler Trucking was identified as performing trucking.

Where there is a nexus between two bid items, Caltrans can apply its understanding of the work to the Subcontractor List. For example, in the recent March 10, 2015 determination of a bid protest involving Shasta Services, Inc. dba Timberworks ("Timberworks"), Caltrans stated that a nexus between two Bid Items allowed Caltrans to accept a bid where a subcontractor was only identified on the Subcontractor List for one of the Bid Items. (Attachment 11, 3/12/15 Timberworks Bid Protest Letter.)

In the Timberworks bid, Timberworks revised its bid day submission of its Subcontractor List form to add an item of work, Vegetation Control-Minor Concrete, to a subcontractor who was already listed as constructing a "Midwest Guardrail System." This discrepancy was allowed because Caltrans found that "there exists a nexus between a description of Midwest Guardrail System and the including of Vegetation Control-Minor Concrete associated with that description...." (Attachment 11, 3/12/15 Timberworks Bid Protest Letter.) Because the two items were related, naming of a subcontractor for one item was sufficient to make it clear that the subcontractor would be performing the related work.

Similarly, Hanford identified Cutler Trucking as performing hauling on Bid Item 36 Rock Slope Protection (Facing Method B) (CY) and Bid Item 37 Rock Slope Protection (No. 3, Method B) (CY). There exists a nexus between Bid Item 36, 37 and 39. (Attachment 12, Plan, Alleyway Construction Detail, C-4.) The project Plan, construction detail C-4, shows that the 16" RSP (Facing, Method B), 9" RSP (No. 3, Method B) and the 9" Cobblestone are all part of the same nexus, the alleyway. It is clear that a trucking company identified to haul the 16" RSP and 9" RSP from Bid Item 36 and 37 would also be hauling the Cobblestone that is part of the same alleyway.

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The hauling of RSP materials in Bid Items 36 and 37 arise out of the same nexus as the Cobblestone identified in Bid Item 39. There is no question that a company providing trucking for RSP materials would also be providing trucking for Cobblestone.

Fifth, Cutler Trucking is not a subcontractor, therefore its inclusion on the list is superfluous.

Cutler Trucking is a trucking company, not a subcontractor. As stated above, Cutler Trucking was identified as having (i) no contractor's license number and (ii) no contractor's license. As the Subcontractor's List is for subcontractors, not trucking companies, Cutler Trucking did not have to be included on the Subcontractor List.

Caltrans previously determined that truckers are not required to be on the Subcontractor List. (Attachment 13, 10/17/13 Desert Concepts Letter.) In the Desert Concepts letter, Caltrans determined that a trucking company "Global Transloading was listed to perform trucking services and certified truckers are not required to be listed on the Subcontractor List." (Attachment 13, 10/17/13 Desert Concepts Letter.)

As discussed above, if a company is not required to be listed in Subcontractor List pursuant to the Public Contract Code section 4100, *et seq.*, that listing is superfluous and any errors associated with that superfluous entry are immaterial and waived. (Attachment 9, 4/2/14 Bay Cities Grading & Paving, Inc. Letter.)

In Hanford's bid, Cutler Trucking is a trucking company that is not a licensed subcontractor. Cutler Trucking is not required to be included in Hanford's Subcontractor List. If any errors existed with regard to Cutler Trucking's entry on the Subcontractor List, such an error would be immaterial and subject to waiver.

The immateriality argument equally applies to DeSilva's first bid protest regarding Cutler Trucking. If Caltrans were to determine any error in Cutler Trucking's entry on Hanford's Subcontractor List, related to any DeSilva bid protest, such an error would be immaterial because Cutler Trucking's entry on the Subcontractor List is not required pursuant to Public Contract Code section 4100 (*et. seq.*) and is superfluous.

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III. Conclusion

DeSilva's bid protest should be disregarded. DeSilva is attempting to manufacture discrepancies where none exist. "It certainly would amount to a disservice to the public if a losing bidder were to be permitted to comb through the bid proposal or license application of the low bidder after the fact, and cancel the low bid on minor technicalities, with the hope of securing acceptance of his, a higher bid." (*Ghilotti Construction Company v. City of Richmond* (1996) 45 Cal.App.4th 897, 908-9.) Such construction would be adverse to the best interests of the public and contrary to public policy. (*Id.* at 909.)

Hanford provided all the required information on the Subcontractor List as well as the DBE-Commitment Form regarding California Environmental Sciences (CES). Based on assumptions, DeSilva tries to assert that some other contractor is doing part of the work. DeSilva is incorrect. CES is accurately listed as performing 100% of Bid Item 18. Further, CES is a superfluous entry on Hanford's Subcontractor List, and any errors would be immaterial and subject to waiver.

Hanford properly identified the services to be performed by Cutler Trucking. Cutler Trucking is a trucking company that will be providing trucking and only trucking to Hanford on Bid Item 39. Further, Cutler Trucking is a superfluous entry on Hanford's Subcontractor List, and any errors would be immaterial and subject to waiver.

DeSilva's new bid protest items were not strong enough to be included in DeSilva's original bid protest, and they are not strong for any serious consideration now.

Hanford and its subcontractors remain ready and willing to perform. Hanford remains the lowest, responsive and responsible bidder. On that basis, the contract should be awarded to Hanford.

Sincerely,



Hanford Applied Restoration & Conservation Inc.
Mark Cederborg, Corporate Secretary

Attachments (9-13)

04/03/2015 07:56 FAX Received
707 996 6641

HANFORD ARC

Apr 3 2015 09:00am

010/038

ATTACHMENT 9

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr. Governor

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER, MS 43

1727 30th STREET

P. O. BOX 168041

SACRAMENTO, CA 95816-8041

PHONE (916) 227-6299

FAX (916) 227-6282

TTY 711

www.dot.ca.gov



*Flex your power!
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April 2, 2014

Facsimile: (510) 526-0990

Greg Souder, Secretary
O.C. Jones & Sons, Inc.
1520 Fourth Street
Berkeley, CA 94710

04-153304
04-SCI-101-0.0/26.7
B.O. 02/04/14

Dear Mr. Souder:

The Department of Transportation (Caltrans) received the attached letters dated February 20, and March 4, 2014, from O.C. Jones & Sons, Inc. (O.C. Jones) protesting the bid submitted by Bay Cities Paving & Grading, Inc. (Bay Cities), for Contract No. 04-153304 on February 4, 2014.

According to the protests, O.C. Jones alleges that on bid day, Bay Cities identified Adanta on its Subcontractor List form as performing work described as; prepare swppp, rain event action plan, storm water sampling analysis, and storm water annual report, asbestos compliance plan, NOA burial location report, ADL burial location report, and noise monitoring. However, it is alleged that on its 24 hour Subcontractor List form, Bay Cities omitted the ADL burial location report and did not provide a percentage of the work to be performed.

Caltrans performed a review of the bid documents, as well as the protests and determined that Bay Cities wa not required to list Adanta on its Subcontractor List form, since the items (1-5, 25, 28, 30) are not considered items of work subject to the listing laws found in Public Contract Code 4100 (et.seq.). These items do not require fabrication nor are these items installed into the work on the project. Therefore, although Adanta wa listed, this information was superfluous and any errors associated with the listing are immaterial and are therefore waived for this project.

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

If you have any questions, please contact Mulissa Smith, Contract Awards Branch Chief, at (916) 227-6228.

Sincerely,

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

03/04/2014 09:40 Received 5105260990

Mar 4 2014 03:48am OC JONES

PAGE 02/05



O.C. Jones & Sons, Inc.
General Engineering Contractor

March 4, 2014

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 04-153304
Bids Opened: Feb. 4, 2014
Response to Bay Cities' letter dated 2-27-2014

Dear Mr. McMillan,

On February 27, 2014, Bay Cities Paving & Grading Inc. (BCP) responded to our letter of bid protest regarding the referenced project. BCP claims that O.C. Jones & Sons' (OCJ) protest was defective. BCP claims that one of the subcontractors listed by BCP on their Subcontractor List, Adanta, is not actually a subcontractor but is a consultant. BCP claims that as a consultant, Adanta does not have to be listed on the Subcontractors List, even though they were.

While we may agree with this argument in general terms, the fact of the matter is that BCP did list Adanta as a subcontractor on their bid form. BCP also listed Adanta for corresponding items of work (column 2) on the 24-Hour Subcontractor List, which also requires that they enter a percentage for these items of work in column 3 of the form. If Adanta is only a consultant, why were they listed as a subcontractor on the Subcontractor List, and why were items numbers entered in column 2 of the 24-Hour list?

BCP claims Adanta is an environmental consultant who will be preparing "various reports". However, Adanta was not only listed for reports and plans on this contract. A portion of the work that they were listed for by BCP includes "testing and monitoring (Storm Water Sampling and Analysis, Noise Monitoring)". The nature of this work requires labor on the jobsite, and is not simply 'consulting' as BCP argues. Adanta is in fact a licensed contractor with the State of California (Attachment 1). Adanta's license number 961132 is active with the state, and they should be considered a contractor not a consultant.

John McMillan
3-4-14
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The Public Contract Code 4104(a)(1) requires the listing of subcontractors "who will perform work or labor or render service to the prime contractor in or about the construction of the work or improvement..." Because Adanta is a licensed contractor who will perform labor and a service on the contract, they should be considered a subcontractor to BCP. Consequently, BCP should have included a percentage for the items of work listed under column 3 of the Subcontractor List.

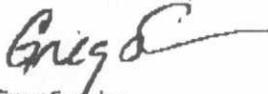
BCP letter also claims that OCJ is well aware of Adanta's scope because "Adanta also submitted a bid to OCJ and OCJ also listed Adanta's participation on OCJ's DBE Commitment Form". OCJ does not dispute receiving a bid from Adanta or listing them on our DBE Commitment Form. However, this does not mean that Adanta is not a subcontractor to OCJ. Adanta was not included on the OCJ Subcontractor List simply because Adanta's work did not represent 1/100th of one percent of the value of the contract. As noted in BCP's Exhibit D, the value of Adanta's work with OCJ is \$ 56,305.00 (0.49% of the contract value).

Since the inception of the four column Subcontractor List, bidders have been deemed non-responsive for a variety of seemingly insignificant errors, poor judgments, and omissions. In most cases the errors had no bearing on the determination of the low bidder, nor did they create a bid advantage for the non-responsive bidder over the other bidders. The State (Caltrans) simply rejected the bid(s) on the grounds that an error had occurred. OCJ's protest on this project is no different. BCP made an error in completing the Subcontractor List, and in order to stay consistent, Caltrans has an obligation to reject their bid as non-responsive. Any other outcome would allow any contractor to simply leave column 3 blank on the 24-Hour Subcontractor List as a means to de-list a potential subcontractor.

O.C. Jones believes our protest does have merit, and Bay Cities' bid should be rejected as non-responsive.

If you have any questions or require additional information, please contact me.

Sincerely,
O.C. Jones & Sons, Inc


Greg Soder
Secretary

Enclosure: Attachment 1, Exhibit D (BCP letter)

Check a License - License Detail - Contractors State License Board

Page 1 of 2

Attachment 1



DEPARTMENT OF CONSUMER AFFAIRS

Contractors State License Board

Contractor's License Detail - License # 961132

DISCLAIMER: A license status check provides information taken from the CSLB license database. Before relying on this information, you should be aware of the following limitations.

- > CSLB complaint disclosure is restricted by law (B&P 7126.0) if this entity is subject to public complaint disclosure, a link for complaint disclosure will appear below. Click on the link or button to obtain complaint and/or legal action information.
- > Per B&P 7071.17, only construction related civil judgments reported to the CSLB are disclosed.
- > Arbitrations are not listed unless the contractor fails to comply with the terms of the arbitration.
- > Due to workload, there may be relevant information that has not yet been entered onto the Board's license database.

License Number	961132	Extract Date	3/4/2014
	ADANTA INC		
Business Information	Business Phone Number: (916) 903-3365		
	828 SCHOOL STREET NAPA, CA 94558		
Entity	Corporation		
Issue Date	05/17/2011		
Expires Date	05/31/2015		
License Status	ACTIVE		
	This license is current and active. All information below should be reviewed.		
Classifications	CLASS	DESCRIPTION	
	B	GENERAL BUILDING CONTRACTOR	
Certifications	CERT	DESCRIPTION	
	HAZ	HAZARDOUS SUBSTANCES REMOVAL	
Bonding	CONTRACTOR'S BOND		
	This licensee filed a Contractor's Bond with <u>WESCO INSURANCE COMPANY.</u>		
	Bond Number: 04WB034232		
	Bond Amount: \$12,500		
	Effective Date: 08/20/2013		
	<u>Contractor's Bond History</u>		
	BOND OF QUALIFYING INDIVIDUAL		
	1. The Responsible Managing Officer (RMO) PENA FRAN certified that he/she owns 10 percent or more of the voting stock/equity of the corporation. A bond of qualifying individual is not required.		
	Effective Date: 08/23/2012		

O.C. JONES & SONS, INC.
GENERAL ENGINEERING CONTRACTOR
1520 FOURTH STREET
BERKELEY, CA 94710-1774
PHONE (510) 526-3424 FAX (510) 526-0990

FACSIMILE TRANSMITTAL SHEET

TO: Mr. John McMillan, Deputy Division Chief	FROM: Greg Souder
COMPANY: Caltrans, Division of Engineering Services	DATE: 3-04-14
FAX NUMBER: 916-227-6282	TOTAL NO. OF PAGES INCLUDING COVER: 5
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE: Bid Protest 04-153304, Response to BCP letter Date of Bid: 2-04-14	YOUR REFERENCE NUMBER:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Thank you.

Greg Souder
Estimating Manager
O.C. Jones & Sons, Inc.
510-809-3430 - direct line
Ph (510) 526-3424 Fax (510) 526-0990
E-mail: gsouder@ocjones.com



O.C. Jones & Sons, Inc.
General Engineering Contractor

February 20, 2014

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 04-153304
Bids Opened: Feb. 4, 2014
Protest of Bid of Bay Cities Paving and Grading, Inc.

Dear Mr. McMillan,

O.C. Jones & Sons, Inc. (OCJ) was the second monetary bidder on the above referenced project. With this letter, we protest the bid submitted by Bay Cities Paving and Grading, Inc. (BCP), the lowest monetary bidder, for failing to comply with the mandatory requirements for the completion of the Subcontractor List on this contract. The bid of BCP bid must be rejected as nonresponsive and ineligible for award of this contract.

The Subcontractor List states in part, ... "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 nonresponsive bid." No other revisions to the form are allowed. On the date of the bid, BCP submitted the Subcontractor List (Attachment 1) with its bid, completing columns 1 and 4. Subsequently BCP submitted the Subcontractor List (Attachment 2), within twenty-four hours of the bid time, completing columns 2 and 3. BCP's Subcontractor List (Attachment 2) is deficient in that the percentage of work in column 3 is blank for the subcontractor named Adanta of Napa. Clearly the Subcontractor List requires that the bidder "provide complete information in columns 1 through 4".

Accepting a bid with a blank percentage in column 3 would not only set a difficult precedent for future contract bids, but it also gives BCP an unfair advantage on this contract. Allowing a blank percentage

1520 Fourth Street, Berkeley, California 94710-1774 - Phone: (510) 528-3424

FAX: Estimating - (510) 528-0990 Engineering - (510) 625-0467

AN EQUAL OPPORTUNITY EMPLOYER

No. 7471 P. 2

Feb 20 2014 01:05pm

Received Feb. 20. 2014 1:04PM

John McMillan

Page 2

2-20-14

in column 3 would enable BCP to subcontract all of the work, a portion of the work, or possibly none of the work to the listed subcontractor, Adanta. If the State (Caltrans) accepts a blank percentage it would also enable BCP to seek and negotiate with other subcontractors for this work, which is the exact activity that Caltrans is hoping to avoid by requiring the proper listing of subcontractors and their corresponding percentage of work for each item listed.

Caltrans has a duty to not only enforce its bid requirements, but more importantly, to act in a fair and uniform manner. Accordingly, BCP has violated Caltrans' requirements leaving a blank entry in one of the required fields of the Subcontractor List, and must be rejected as nonresponsive.

We request that Caltrans uphold this protest and award the contract to O.C. Jones & Sons, Inc., the lowest responsive bidder.

If you have any questions or require additional information, please contact me.

Sincerely,

O.C. Jones & Sons, Inc



Greg Soder

Secretary

Enclosure: Attachments 1 and 2

Attachment 1 1/5

A8

OFFICE ENGINEER

04



REVIEW
DK TM

Caltrans

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

BID

FOR CONSTRUCTION ON STATE HIGHWAY IN SANTA CLARA COUNTY AT VARIOUS
LOCATIONS FROM SAN BENTO COUNTY LINE TO ROUTE 85/101 INTERCHANGE

In District 04 On Route 101

Under

Notice to Bidders and Special Provisions dated November 25, 2013

Standard Specifications dated 2010

Project plans approved April 22, 2013

Standard Plans dated 2010

Identified by

Contract No. 04-153304

04-S&P-101-0.0725.7

Project ID 0400020304

Federal Aid Project

ACNHP-0101(234)E

CNL 6204(110)E

Electronic Advertising Contract

Bids open Tuesday, February 4, 2014

Dated November 25, 2013

HY

Attachment 1 2/5

AS

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
BID TO THE DEPARTMENT OF TRANSPORTATION
DES-0E-0102.1 (REV. 3/2011)

CONTRACT NO. 04-153304

NAME OF BIDDER Bay Cities Paving & Grading Inc

BUSINESS P.O. BOX 6227

CITY, STATE, ZIP Concord CA 94520

BUSINESS STREET ADDRESS 1450 C. VIC CT.

(Provide when P.O. Box used)

CITY, STATE, ZIP Concord CA 94520

TELEPHONE NO: AREA CODE (925) 607-6666

FAX NO: AREA CODE (925) 607-2122

CONTRACTOR LICENSE NO. 729065D

1. Bidder agrees, if this bid is accepted, to enter into a contract with the Department, in the form included in the Standard Specifications, to perform the work provided in the Contract under the terms of the Contract for the price or prices bid.
 - For a lump sum or unit price based bid, Bidder additionally agrees to perform the work within the number of working days shown on the Notice to Bidders.
 - For a cost plus time based bid on a contract without a plant establishment period, Bidder additionally agrees to perform the work within the number of working days bid.
 - For a cost plus time based bid on a contract with a plant establishment period, Bidder additionally agrees to perform the non-plant establishment work within the number of working days bid for non-plant establishment work.
2. For a lump sum based bid, Bidder submits this bid with a total price in the total bid space provided on the Bid Item List. For a unit price or cost plus time based bid, Bidder submits this bid with a unit price and the item total (the product of the unit price and the quantity) for each item and a total price (the sum of the item totals) in the spaces provided on the attached Bid Item List. For a unit price with additive item based bid, Bidder submits this bid with a unit price and an item total for each item and a total base bid (the sum of the item totals) and the additive items in the spaces provided on the attached Bid Item List. Additionally, for a cost plus time based bid, Bidder submits this bid with working days bid for non-plant establishment work, total bid for time, and total bid for bid comparison in the spaces provided on the Bid Item List. Bidder agrees:
 - 2.1. If a discrepancy between the unit price and the item total exists, the unit price prevails except:
 - 2.1.1. If the unit price is illegible, omitted, or the same as the item total, item total prevails and the unit price is the quotient of the item total and the quantity.
 - 2.1.2. If a decimal error is apparent in the product of the unit price and the quantity, the Department will use either the unit price or item total based on the closest by percentage to the unit price or item total in the Department's Final Estimate.
 - 2.2. If the unit price and the item total are illegible or are omitted, the bid may be determined nonresponsive. If a lump sum total price is illegible or is omitted, the bid may be determined nonresponsive.
 - 2.3. Bids on lump sum items are item totals. If a unit price for a lump sum item is entered and it differs from the item total, the item total prevails.
 - 2.4. Entries are to be expressed in dollars or decimal fractions of a dollar. Symbols such as commas and dollar signs are ignored and have no significance in establishing unit price or item total.
 - 2.5. Unit prices and item totals are interpreted by the number of digits and decimal placement. Do not round item totals or the total bid.

Contract No. 04-153304

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STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
BID TO THE DEPARTMENT OF TRANSPORTATION
DES-OE-0102.1 (REV. 3/2011)

- 2.6. For a lump sum based bid, the item total is the bid amount the Department uses for bid comparison.
For a unit price based bid, the sum of the item totals is the bid amount the Department uses for bid comparison.
For a cost plus firm based bid, the sum of the item totals and the total bid for time is the bid amount the Department uses for bid comparison.

2.7. The Department's decision on the bid amount is final.

3. Bidder has and acknowledges the following addenda:

1

4. Bidder submits this bid with one of the following forms of bidder's security equal to at least 30 percent of the bid:

Cash \$ _____ Cashiers Check, Certified Check, **Bidder's Bond**

5. Bidder's signature is an affirmation of the included certifications. Bidder is cautioned that making a false certification may result in one or more of the following:

- 5.1. Criminal prosecution
- 5.2. Rejection of the bid
- 5.3. Rescission of the award
- 5.4. Termination of the Contract

BY (Signature)

DATE SIGNED (Do not type)

2/4/2014

PRINTED NAME AND TITLE OF PERSON SIGNING

Bonifacio Rodriguez Jr. - President

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 664-6410 or TDD (916) 664-6410 or visit the Records and Form Management, 1120 N Street, 4th-Flo, Sacramento, CA 95814.

Contract No. 04-153304

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No. 7471 P. 6

Feb 20 2014 01:06pm

Received Feb. 20. 2014 1:05PM

Attachment 1 7/5

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
 DES-02-01022 (REV 3/2011)

Bidder Name: Bay Cities Paving & Grading

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 Cost 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) 227-8282 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 nonresponsive bid.

Column 1: Business Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
KRC Safety Visalia, CA			Construction Area Signs Type III Barricade Temp Crash Cushion Roadside Signs Furnish Single Sheet Aluminum Sign Delimiters, Markers
FBD Vanguard Const. Livermore, CA			Minor Concrete & Related
St. Francis Electric San Leandro, CA			Lighting & Sign Illumination, Traffic Operations Systems and Related
Acacia Erosion Ctrl. Santa Barbara, CA			Erosion Control & Related
John Sensesen Landscaping Sonoma, CA			Landscape and Irrigation and Related

ADA Notice: For individuals with sensory disabilities, this document is available in alternate format. For information call (916) 864-6410 or TDD (916) 864-6480 or write Records and Permit Management, 1120 W Street, MS-88, Sacramento, CA 95814.

Contract No. 04-153304
13

No. 7471 P. 7

Feb 20 2014 01:06pm

Received
Feb. 20, 2014 1:05PM

Attachment 1 5/5

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
DES-DE-0102.2 (REV 3/2011)

Bidder Name: Bay Cities Project Grading

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 nonresponsive bid.

Column 1: Business Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
Central Fence Co. Sacramento, CA			Remove Guardrail; Midwest Guardrail System and Related
Gesco Grass Valley, CA			Furnish and Install Sign Structure
Gesco Grass Valley, CA			CIDH Concrete Pile
Linear Options Durham, CA			Remove Striping and Markings; Striping, Markings, Markers Lead Compliance
Adanta Napa, CA			Prepare SWPPP, Rain Event Action Plan, Storm Water Sampling Analysis Day, Storm Water Annual Report, Asbestos Compliance Plan, NOA Borial Location Report, ADL Borial Report Location, Noise Monitoring

ADA Notice: For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 227-6282 or TDD (916) 227-6282 or write Records and Forms Management, 1120 N Street, MS-09, Sacramento, CA 95834.

02/05/2014 00:36

Received

Feb 5 2014 11:37am
GFAJ

P.002/003

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
DES-CG-11022 (REV 12/01)

Bidder Name: Bay Cities Paving & Grading

The bidder must identify each subcontractor performing work for an amount in excess of 1/2 of 1 percent of the total bid or \$10,000, whichever is greater (Pub Cost 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) 227-8282 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 nonresponsive bid.

Column 1: Business Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
KRC Safety - Visalia	4 6 10 39, 44, 45 103, 104, 105 102 113-116	100%	Construction Area Signs Type III Barricade Temporary Crush Cushion Roadside Signs Furnish Single Sheet Aluminum Sign Delimiters, Markers
FBD Vanguard Const. Livermore	110, 111	100%	Minor Concrete & Related
St. Francis Electric San Leandro	125-167	100%	Lighting and Sign Illumination Traffic Operations Systems and Related
Acacia Erosion Control Santa Barbara	16, 83-88	100%	Erosion Control and Related
John Semsen Landscaping	55-80	100%	Landscape and Irrigation and Related

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 884-6010 or TDD (916) 884-6000 or visit: Research and Plans Management, 1120 K Street, 5th Floor, Sacramento, CA 95814.

Contract No. 04-153304

No. 7471 P. 9

Feb 20 2014 01:06pm

Received Feb. 20, 2014 1:05PM

02/05/2014 00:35

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Feb 5 2014 11:37am

(FAX)

P.003/003

Attachment 2 2/3

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
 DEC-02-0122 (REV 1/2011)

Bidder Name: Ray C. Hays Paving & Grading

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 Conl Code 54100 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 nonresponsive bid.

Column 1: Business Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
Central Fence Sacramento	34, 117-119	100%	Remove Guardrail; Midwest Guardrail System and Related
Geocon - Grass Valley	100, 101 98	100%	Furnish and Install Sign Structure C10H Concrete Pile
Linear Options Durham, CA	1, 7, 27, 36-38, 120-124	100%	Remove Striping and Markings; Striping, Markings, Markers Lead Compliance Plan
Adanta - Napa	12-15 25, 28, 30		Prepare SWPPP, Rain Event Action Plan, Storm Water Sampling Analysis Day, Storm Water Annual Report, Asbestos Compliance Plan, NOAA Burial Location Report, Noise Monitoring

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 664-1010 or TDD (916) 364-3889 or write Pamela and Fernan Hernandez, 1120 N Street, 95833, Sacramento, CA 95814.

Contract No. 04-153304

02/05/2014 00:35

Received

Feb 5 2014 11:37am
FAX

P.001/003

Bay Cities Paving & Grading, Inc.
18028 Fern Dr.
Oakland, CA 94620
Phone (925) 887-4688 Fax (925) 887-2122



Attachment 2 3/3

Fax

To: Caltrans	From: Russ Olney
Fax: 818-227-8282	Date: February 5, 2014 11AM
Phone:	Pages: 3
Re: Contract No. 04-163304	CC:

- Urgent
- For Review
- Please Comment
- Please Reply
- Please Recycle

-Comments-

Please see the attached Subcontractor List for Contract No. 04-163304 which is being submitted within 24 hours of bid opening.

O.C. JONES & SONS, INC.
GENERAL ENGINEERING CONTRACTOR
1520 FOURTH STREET
BERKELEY, CA 94710-1774
PHONE (510) 526-3424 FAX (510) 526-0990

FACSIMILE TRANSMITTAL SHEET

TO: Mr. John McMillan, Deputy Division Chief

FROM: Greg Souder

COMPANY: Caltrans, Division of Engineering Services

DATE: 2-20-14

FAX NUMBER: 916-227-6282

TOTAL NO. OF PAGES INCLUDING COVER: 10

PHONE NUMBER:

SENDER'S REFERENCE NUMBER:

RE: Bid Protest 04-153304
Date of Bid: 2-04-14

YOUR REFERENCE NUMBER:

- URGENT
- FOR REVIEW
- PLEASE COMMENT
- PLEASE REPLY
- PLEASE RECYCLE

NOTES/COMMENTS:

Signed

Thank you.

Greg Souder
Estimating Manager
O.C. Jones & Sons, Inc.
510-809-3430 -- direct line
Ph (510) 526-3424 Fax (510) 526-0990
E-mail: gsouder@ocjones.com



O.C. Jones & Sons, Inc.
General Engineering Contractor

February 20, 2014

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 04-153304
Bids Opened: Feb. 4, 2014
Protest of Bid of Bay Cities Paving and Grading, Inc.

Dear Mr. McMillan,

O.C. Jones & Sons, Inc. (OCJ) was the second monetary bidder on the above referenced project. With this letter, we protest the bid submitted by Bay Cities Paving and Grading, Inc. (BCP), the lowest monetary bidder, for failing to comply with the mandatory requirements for the completion of the Subcontractor List on this contract. The bid of BCP bid must be rejected as nonresponsive and ineligible for award of this contract.

The Subcontractor List states in part, ... "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 nonresponsive bid." No other revisions to the form are allowed. On the date of the bid, BCP submitted the Subcontractor List (Attachment 1) with its bid, completing columns 1 and 4. Subsequently BCP submitted the Subcontractor List (Attachment 2), within twenty-four hours of the bid time, completing columns 2 and 3. BCP's Subcontractor List (Attachment 2) is deficient in that the percentage of work in column 3 is blank for the subcontractor named Adanta of Napa. Clearly the Subcontractor List requires that the bidder "provide complete information in columns 1 through 4".

Accepting a bid with a blank percentage in column 3 would not only set a difficult precedent for future contract bids, but it also gives BCP an unfair advantage on this contract. Allowing a blank percentage

1520 Fourth Street, Berkeley, California 94710-1774 - Phone: (510) 528-3424
FAX: Estimating - (510) 528-0990 Engineering - (510) 525-0457
AN EQUAL OPPORTUNITY EMPLOYER

No. 7471 P. 2

Feb 20 2014 01:05pm

Received Feb. 20, 2014 1:04PM

John McMillan

Page 2

2-20-14

In column 3 would enable BCP to subcontract all of the work, a portion of the work, or possibly none of the work to the listed subcontractor, Adanta. If the State (Caltrans) accepts a blank percentage it would also enable BCP to seek and negotiate with other subcontractors for this work, which is the exact activity that Caltrans is hoping to avoid by requiring the proper listing of subcontractors and their corresponding percentage of work for each item listed.

Caltrans has a duty to not only enforce its bid requirements, but more importantly, to act in a fair and uniform manner. Accordingly, BCP has violated Caltrans' requirements leaving a blank entry in one of the required fields of the Subcontractor List, and must be rejected as nonresponsive.

We request that Caltrans uphold this protest and award the contract to O.C. Jones & Sons, Inc., the lowest responsive bidder.

If you have any questions or require additional information, please contact me.

Sincerely,

O.C. Jones & Sons, Inc



Greg Souder

Secretary

Enclosure: Attachments 1 and 2

Attachment 1 1/5

A8

OFFICE ENGINEER

04

REVIEW
DK TM



STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

BID

FOR CONSTRUCTION ON STATE HIGHWAY IN SANTA CLARA COUNTY AT VARIOUS
LOCATIONS FROM SAN BENTO COUNTY LINE TO ROUTE 85/101 INTERCHANGE

In District 04 On Route 101
Under

Notice to Bidders and Special Provisions dated November 25, 2013

Standard Specifications dated 2010

Project plans approved April 22, 2013

Standard Plans dated 2010

Identified by
Contract No. 04-153304
04-SB-101-0-02E7
Project ID 840028304

Federal-Aid Project
ACNIP-0181(234)E
CMA 4204110E

Electronic Advertising Contract

Bids open Tuesday, February 4, 2014

Dated November 25, 2013

No. 7471 P 4

Feb 20 2014 01:08pm

Received
Feb. 20, 2014 1:04PM

Attachment 1 2/5

A8

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
BID TO THE DEPARTMENT OF TRANSPORTATION
MDS-05-0182.1 (REV. 3/2011)

CONTRACT NO. 04-153304

NAME OF BIDDER Bay Cities Paving & Grading Inc
BUSINESS P.O. BOX 6227
CITY, STATE, ZIP Concord CA 94520
BUSINESS STREET ADDRESS 1450 C. VIC CT.
Provide street if P.O. Box used
CITY, STATE, ZIP Concord CA 94520
TELEPHONE NO: AREA CODE (925) 607-6066
FAX NO: AREA CODE (925) 607-2122
CONTRACTOR LICENSE NO. 73065D

1. Bidder agrees, if this bid is accepted, to enter into a contract with the Department, in the form included in the Standard Specifications, to perform the work provided in the Contract under the terms of the Contract for the price or prices bid.
 - For a lump sum or unit price based bid, Bidder additionally agrees to perform the work within the number of working days shown on the Notice to Bidders.
 - For a cost plus time based bid on a contract without a plant establishment period, Bidder additionally agrees to perform the work within the number of working days bid.
 - For a cost plus time based bid on a contract with a plant establishment period, Bidder additionally agrees to perform the non-plant establishment work within the number of working days bid for non-plant establishment work.
2. For a lump sum based bid, Bidder submits this bid with a total price in the total bid space provided on the Bid Item List. For a unit price or cost plus time based bid, Bidder submits this bid with a unit price and the item total (the product of the unit price and the quantity) for each item and a total price (the sum of the item totals) in the spaces provided on the attached Bid Item List. For a unit price with additive items based bid, Bidder submits this bid with a unit price and an item total for each item and a total base bid (the sum of the item totals) and the additive items in the spaces provided on the attached Bid Item List. Additionally, for a cost plus time based bid, Bidder submits this bid with working days bid for non-plant establishment work, total bid for time, and total bid for bid comparison in the spaces provided on the Bid Item List. Bidder agrees:
 - 2.1. If a discrepancy between the unit price and the item total exists, the unit price prevails except:
 - 2.1.1. If the unit price is legible, certified, or the same as the item total, item total prevails and the unit price is the quotient of the item total and the quantity.
 - 2.1.2. If a decimal error is apparent in the product of the unit price and the quantity, the Department will use either the unit price or item total based on the closest by percentage to the unit price or item total in the Department's Final Estimate.
 - 2.2. If the unit price and the item total are legible or are omitted, the bid may be determined nonresponsive, if a lump sum total price is legible or is omitted, the bid may be determined nonresponsive.
 - 2.3. Bids on lump sum items are item totals. If a unit price for a lump sum item is entered and it differs from the item total, the item total prevails.
 - 2.4. Entries are to be expressed in dollars or decimal fractions of a dollar. Symbols such as commas and dollar signs are ignored and have no significance in establishing unit price or item total.
 - 2.5. Unit prices and item totals are interpreted by the number of digits and decimal placement. Do not round item totals or the total bid.

Contract No. 04-153304

No. 7471

Feb 20 2014 01:06pm

Received Feb. 20. 2014 1:04PM

Attachment 1 1/5

**STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
BID TO THE DEPARTMENT OF TRANSPORTATION
DES-05-0182.1 (REV. 3/2011)**

- 2.6. For a lump sum based bid, the item total is the bid amount the Department uses for bid comparison.
For a unit price based bid, the sum of the item totals is the bid amount the Department uses for bid comparison.
For a cost plus time based bid, the sum of the item totals and the total bid for time is the bid amount the Department uses for bid comparison.

2.7. The Department's decision on the bid amount is final.

3. Bidder has and acknowledges the following addenda:

1

4. Bidder submits this bid with one of the following forms of bidder's security equal to at least 10 percent of the bid:

Cash \$ _____, Cashiers Check, Certified Check, Bidder's Bond

5. Bidder's signature is an affirmation of the included certifications. Bidder is cautioned that making a false certification may result in one or more of the following:

- 5.1. Criminal prosecution
- 5.2. Rejection of the bid
- 5.3. Rescission of the award
- 5.4. Termination of the Contract

By (Signature)

Printed Name (Last, First, Middle Initial)

Esteban Rodriguez Jr. - President

DATE SIGNED (Do not type)

2/4/2014

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Contract No. 04-153304

2

No. 7471 P. 6

Feb 20 2014 01:08pm

Received Feb. 20. 2014 1:05PM

Attachment 1 ^{A/5}

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
(023-025-01022 (REV 3/2011))

Bidder Name: Bay Cities Paving & Grading

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 Cost 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) 227-8282 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 nonresponsive bid.

Column 1: Business Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
KRC Safety Visalia, CA			Construction Area Signs Type III Barricade Temp. Crash Cushion Roadside Signs Furnish Single Sheet Aluminum Signs Delimiters, Markers
FBD Vanguard Const. Livermore, CA			Minor Concrete & Related
St. Francis Electric San Leandro, CA			Lighting & Sign Illumination, Traffic Operations Systems and Related
Acacia Erosion Ctrl. Santa Barbara, CA			Erosion Control & Related
John Sensesen Landscaping Sonoma, CA			Landscaping and Irrigation and Related

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Contract No. 04-133304

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No. 7471 P. 7

Feb 20 2014 07:06am

Received
Feb 20 2014 1:05PM

Attachment 1 5/5

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
DTS-0E-0822 (REV 3/2011)

Bidder Name: Bay Cities Paving Grading

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 nonresponsive bid.

Column 1: Subcontractor Name and Location	Column 2: Bid Item No.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
Central Fence Co. Sacramento, CA			Remove Guardrail; Midwest Guardrail System and Related
Gerco Grass Valley, CA			Furnish and Install Sign Structure
Gerco Grass Valley, CA			CIDH Concrete Pile
Linear Options Durham, CA			Remove Striping and Markings; Striping, Markings, Markers Lead Compliance
Adanta Napa, CA			Prepare SWPPP, Rain Event Action Plan, Storm Water Sampling Analysis Day, Storm Water Annual Report, Asbestos Compliance Plan, NOA Bivalve Location Report, ADL Bivalve Report Location, Noise Monitoring

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Contract No. 04-153304
13

No: 7471 P. 8

Feb 20 2014 01:06pm

Received
Feb 20 2014 1:05PM

02/05/2014 00:35

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Feb 5 2014 11:37am
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P.002/003

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
DISCLOSURE 2 (REV 10/11)

Bidder Name: Bay Cities Paving & Grading

The bidder must identify each subcontractor performing work in an amount in excess of 1% of 1 percent of the total bid or \$10,000, whichever is greater (Pub Cost 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) 227-8282 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 nonresponsive bid.

Column 1: Subcontractor Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
KRC Safety - Visalia	4 6 10 39, 44, 45 103, 104, 105 107 119-116	100%	Construction Area Signs Type III Barricade Temporary Cush Cushion Roadside Signs Furnish Single Sheet Aluminum Signs Delimiters, Markers
FBD Vanguard Const. Livermore	110, 111	100%	Minor Concrete & Related
St. Francis Electric San Leandro	125-147	100%	Lighting and Sign Illumination Traffic Signatures System and Related
Acacia Erosion Control Santa Barbara	16, 63-88	100%	Erosion Control and Related
John Semsen Landscaping	55-80	100%	Landscape and Irrigation and Related

ADA Notice: For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 227-8282 or 1-800-999-9239 or visit the website at www.ctd.ca.gov. For more information, visit the website at www.ctd.ca.gov.

Contract No. 04-153304

No. 7471 P. 9

Feb 20 2014 01:05pm

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Feb. 20, 2014 1:05PM

02/05/2014 00:35

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Feb 5 2014 11:37am

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P.003003

Attachment 2 2/3

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
 (06-02-01022 (REV 1/2/11))

Bidder Name: Bay Cities Paving & Grading

The bidder shall identify each subcontractor performing work in this contract in excess of 1% of 1 percent of the total bid or \$10,000, whichever is greater (Pub 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 nonresponsive bid.

Column 1: Business Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
Central Force Sacramento	34, 117-119	100%	Remove Guardrail; Midwest Guardrail System and Related
Geocon - Grass Valley	100, 101 98	100%	Furnish and Install Sign Structure C10A Concrete Pile
Linear Options Durham, CA	1, 7, 27, 36-38, 120-124	100%	Remove Striping and Markings; Striping, Markings, Markers Lead Compliance Plan
Adanta - Napa	12-15 25, 28, 30		Prepare SUIPPP, Rain Event Action Plan, Storm Water Sampling Analysis Day, Storm Water Annual Report, Asbestos Compliance Plan, NOA Burial Location Report, Noise Monitoring

ADA Notice: For individuals with sensory disabilities, this document is available in alternate format. For information call (916) 664-6000 or TDD (916) 664-6000 or relay Nevada and Florida Telephones: (714) 933-0000, 200-00, Sacramento, CA 95814.

Contract No. 04-153804

No. 7471 P. 10

Feb 20 2014 01:08pm

Received Feb. 20. 2014 1:05PM

02/05/2014 00:35

Received

Feb 5 2014 11:32am (FRI)

P.001/003

Ray Clay Painting & Grading, Inc.
8000 Ford Dr.
Colton, CA 94320
Phone (925) 837-4884 Fax (925) 837-3122



Attachment 2 3/3

Fax

To: Colton	From: Ray Clay
Fax: 916-227-6282	Date: February 5, 2014 11AM
Phone:	Page: 3
Ref Contract No. 04-163304	cc:

- Mailed
- For Review
- Please Comment
- Please Reply
- Please Recycle

Comments

Please see the attached Subcontractor List for Contract No. 04-163304 which is being submitted within 24 hours of bid opening.

O.C. JONES & SONS, INC.
GENERAL ENGINEERING CONTRACTOR
1520 FOURTH STREET
BERKELEY, CA 94710-1774
PHONE (510) 526-3424 FAX (510) 526-0990

FACSIMILE TRANSMITTAL SHEET

TO: Mr. John McMillan, Deputy Division Chief	FROM: Greg Souder
COMPANY: Caltrans, Division of Engineering Services	DATE: 2-20-14
FAX NUMBER: 916-227-6282	TOTAL NO. OF PAGES INCLUDING COVER: 10
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE: Bid Protest 04-153304 Date of Bid: 2-04-14	YOUR REFERENCE NUMBER:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS

Signed

Thank you.

Greg Souder
Estimating Manager
O.C. Jones & Sons, Inc.
510-809-3430 - direct line
Ph (510) 526-3424 Fax (510) 526-0990
E-mail: gsouder@ocjones.com



Hanford ARC

FAX

Part 1 of 2

To: Mr. John McMillan, Deputy Division Chief
 Caltrans, Division of Engineering Services

From: Mark Cederborg

Fax: 916-227-6282 No. of Pages (including cover): 38

Phone: Date: 4-3-15

Re: Bid Protest 01-262054

COMMENTS:

Bid Protest 01-262054, Response to DeSilva Gates Construction April 2, 2014 letter
Date of Bid: 3-12-14

Part 1 of 2 (Response Letter and Attachment 9)

STREAMS ^ WETLANDS ^ PARKS
RESTORATION & CONSTRUCTION

23195 MAFFEI ROAD ^ SONOMA, CA 95476 ^ TEL: 707 996 6633 ^ FAX: 707 996 6641



Hanford ARC

FAX

Part 2 of 2

To: Mr. John McMillan, Deputy Division Chief

Caltrans, Division of Engineering Services

From: Mark Cederborg

Fax: 916-227-6282

No. of Pages (including cover): 27

Phone:

Date: 4-3-15

Re: Bid Protest 01-262054

COMMENTS:

Bid Protest 01-262054, Response to DeSilva Gates Construction April 2, 2014 letter
Date of Bid: 3-12-14.

Part 2 of 2 (Attachments 9-13)

STREAMS ^ WETLANDS ^ PARKS
RESTORATION & CONSTRUCTION

23195 MAFFEI ROAD ^ SONOMA, CA 95476 ^ TEL: 707 996 6633 ^ FAX: 707 996 6641

ATTACHMENT 10



TRUCKING QUOTE

Reflecting: Public Works / Prevailing Wages,
and when applicable: Non-Prevailing Wage Rates

Contractor: Hanford ARC

Attention: Kevin Heddy

Phone: 996-6633

Fax: 996-6641, **Email:** kevin@hanfordarc.com

Today's Date: 2-27-2015

Bid Date: 3-3-2015/2:00pm

**** Please note:** ALL PRICES listed below automatically expire 14 days after the above bid date, unless a signed Purchase Order or Letter of Intent is received by R & S Trucking

Job Name: CDOT# 01-262054, Wetland and Riparian Planting and Erosion Control,

Hwy# 101, 45.0/50.8

Job Location: In & ground: Hwy# 101, from post-mile 45.0 to 50.8, at various locations, Willits, In Mendocino County

Page 1 of 5

Contractor Job#: _____ **R & S Job#:** _____

Prices quoted below are: HOURLY ONLY, and for WEEKDAYS ONLY, unless otherwise specified.
All tonnage rates, if quoted, are based upon: NON-PREVALING WAGE RATES - CURRENT MARKET RATES

Point of Origin	Material	5-axle "Rock-Box" Transfers
Northern Agg.-Willits	AGGREGATES & RIP-RAP Facing size and # 3 size only	\$ 125.00/Hourly * as a budget trucking only estimate: Approx.. \$ 11.50/per ton +/-
Syar-Healdsburg	AGGREGATES	\$ 125.00/Hourly * as a budget trucking only estimate: Approx.. \$ 25.00/per ton +/-
Western Agg.-Marysville	AGGREGATES & COBBLES	\$ 125.00/Hourly, Plus 3.5 Hours Travel-Time * as a budget trucking only estimate: Approx.. \$ 44.00/per ton +/-, Plus 3.5 hours for travel-time
Off-Haul "Excess Dirt" from the jobsite to: A CALTRANS suggested, potential dumpsite, called: MGS Plasma site, located off Eastside Rd., near East Hill Rd., Willits, In Mendocino County. * Please note: To be confirmed by the contractor directly with CALTRANS for permits, availability, etc.		<u>3-axle, 4-axle, 5-axle equipment</u> <u>Prevailing wages rate of:</u> \$ 172.90/Hourly

Continued.....

NON-PREVAILING WAGE BASED HOURLY RATES and BRIDGE TOLLS, ETC.,

(* Please note the NEW PRICING STRUCTURE below, as of 10-28-2014)

1. 5-axle Double bottoms: **\$ 125.00/hourly**
2. 5-axle Transfers: **\$ 125.00/hourly**
3. 5-axle Semi ends: **\$ 125.00/hourly**
4. 4-axle Super Dumps: **\$ 130.00/hourly**
5. 3-axle 10 Wheeler dump trucks: **\$ 120.00/hourly**
6. 5-axle Semi Flatbeds: **\$ 135.00/hourly**
7. 5-axle Semi bottoms: **\$ 125.00/hourly**
8. **All Rates Listed Above Reflect 8 Hour Minimum Per Day, Per Truck, along with: 8 Hours Minimum Per Night, Per Truck. All tonnage rates revert to hourly billing when minimum's apply**
9. *** Travel-Time:** When listed and/or when applicable, travel-time charges will be billed at the hourly rates listed, per man, per truck, per day.
10. **** Increased Hourly Rates:** When listed and/or when applicable, the increase of hourly rates will apply due to distance/mileage, traffic conditions & environment, duration of time involved, geography, etc.
11. **Bridge Tolls:** As R & S Trucking services throughout the 9 San Francisco Bay Area Counties and beyond, any and all applicable bridge tolls will be added to the above rates. **Please note:** Under a new 5-year plan that was proposed on 2-25-2014, the Golden Gate Bridge "Toll Rates" will rise in cost every year starting; April 7th, 2014.

PREVAILING WAGES HOURLY RATES

1. All 5-axes, 4-axes and 3-axes will reflect the same hourly rate for the 1st (first) 8 hours in any given shift of: **\$ 172.90/hourly**. Applicable over-time charges, after 8 hours, will be added accordingly.
2. This prevailing wage rate reflects **8 hour minimum per day**, per truck, as well as a **8 hour minimum per night**, per truck.



CA# 0029093

P.O.Box 414, Fulton, CA. 95439

Quotes provided by: **Eric Levy, Estimating, Sales & Marketing**
Estimating Phone 707-571-8820, ext. 2 Estimating Fax 707-571-8223

Email: **ericlevy@rstrucking.com**

State of California CALTRANS certified:

Disadvantaged Business Enterprise (DBE) # 484110 under ID # 38042

and

State of California, Department of General Services certified:

Small Business Concern (SB) # 1000659

Providing a "Commercially Useful Function" since 1984

Continued.....

Terms & Conditions:

1. All quotes must be on an R & S Trucking quote sheets (pages 1, 2, 3 & 4); all purchase orders/letter of intent to duplicate the same. **PLEASE ATTACH A COPY OF QUOTE, WITH ALL PURCHASE ORDERS OR WORK AUTHORIZATIONS.**
2. Purchase orders/letter of intent must be issued within 14 working days of bid date; **Hourly rates only will be honored during the transition period.**
3. When per load / un-scaled loads are quoted, the following allowable times apply: Quarry site / Load site with Aggregates for all truck (4 and 5 axle) types: 5 minutes. And at the Dumpsite / Job site with Aggregates for Double bottoms / Semi ends / Super dumps: 5 minutes.
4. **Demurrage / Standby Time** charges will be charged, after the standard allowable times listed, based on the hourly rates quoted, on page 1) as an example: \$85.00 hourly = \$1.42 per minute. Or \$ 90.00 hourly = \$1.50 per minute, or \$ 98.00/hourly = \$ 1.63 per minute, etc. Also standby time / demurrage starts upon arrival at the jobsite, including but not limited too; when governmental agencies/general contractors require traffic control points before the actual jobsite (traffic control points, flagmen control, lane closure etc.), and then standby time / demurrage charges will commence starting at the point of that traffic control location.
5. It will be the contractor's /customers sole responsibility to collect all demurrage /standby time at any quarry site/ load site.
6. **Never will any "Averaging of Standby Time" be allowed.** In other words; standby averaging is not allowed at all, as first stated on page 1, reflective in qualifying maximum allowable times in tonnage rate quotes. Demurrage / standby time will be billed and become due & payable after the maximum allowable times listed at the rate per minute quoted.
7. Semi End Dumps, Double bottoms, Semi Bottoms and 10-Wheelers are hourly unless agreed in writing by R&S Trucking & Contractor prior to job commencing.
8. All quotes reflect 100% trucking of said job. R & S Trucking reserves the right to void any /all prices if less than 100%.
9. Please call truck orders in by 2:00 p.m., to check availability. Please notify us several days in advance of any new jobs starting and/or any large truck orders of 10 or more.
10. On all jobs that require certification rosters, additional names may be added at any time.
11. **PROBLEMS ON PROJECTS:** The contractor must FAX into our main office a detailed description of the occurrence, including the sub hauler and/or drivers name, owner of the truck, truck number/trailer(s) number and description of truck/trailer(s), and copy of the freight tag that pertains to this incident or occurrence, along with estimated dollar (\$) amount of loss (when applicable) on the same day of the incident or occurrence. R&S Trucking will accept "NO DEDUCTS OR BACK CHARGES" unless they are notified as stated above. R & S Trucking will then respond back to customer after investigating the incident. All claims for recovery by contractor for loss or damage to commodity hauled must follow this procedure. Any deviation from this procedure will not change the costs incurred and may cause immediate withdrawal of trucking from said job
12. It is the contractor's responsibility to FAX notice to R&S Trucking Estimator prior to job bidding if certified payroll and/or union participation is required (also see item 32 following).
13. **Saturday rates:** add 12.5% to the weekday rates, listed on Page 1. Also, **Sunday & Holiday rates:** add 25 % to the weekday rates, listed on Page 1. This applies to all rates quoted, regardless of hourly, per ton, per load - ALL RATES.
14. **Minimum Show-up time:** On every truck dispatched to customers project, customer will be responsible for paying at least a **8 hour minimum daytime, & 8 hour minimum nighttime,** unless previously arranged with dispatch.
15. All un-scaled tonnage quotes will be based on 26.20 tons per load for Double bottoms. All scaled tonnage quotes for partial loads will be based on 24.00 tons for Transfers. All scaled tonnage quotes for partial loads will be based on 19.00 tons for Semi ends, Semi bottoms and Super Dumps These quotes are based on R&S Trucking performing all trucking requirements on said project. Also, when partial loads are sent back from the jobsite, back to the quarry: The time spent traveling back will be charged at the quoted hourly rate.
16. If Contractor chooses not to have loads weighted, then contractor is responsible for all overloads, overload tickets, and anything that occurs if load is not weighed.
17. Hourly time to be charged will start from the time reporting to work (time truck was ordered to be at load site), to the time completing the hourly service, which includes travel time back to the load site on the last load. Time to be charged shall include time for transportation in both directions, time for loading and unloading, and waiting or standby time, at origin and/or destination. Total chargeable time shall be computed to the nearest one-tenth of an hour. Deductions from the time only allowed for carrier equipment failure and meal delays. * **Travel-Time:** When listed and/or when applicable, travel-time charges will be billed at the hourly rates listed, per man, per truck, per day. ** **Increased Hourly Rate:** When listed and/or when applicable, the increase of hourly rates will apply due to distance/mileage, traffic conditions & environment, duration of time involved, geography, etc.

Continued.....

18. R & S Trucking shall render to contractor invoices for services agreed to in the quote sheet/purchase order. Contractor agrees to pay R & S Trucking by the 20th day following the last day of the calendar month in which the work was performed, billed by the 5th day of the following month. When large truck orders are continuous in a given period it may be required that the contractor will be billed weekly and said payment to be no later than 10 days of receipt of invoice. Interest to be charged on all past due accounts at the maximum allowed by law.
19. Please provide R & S Trucking Estimator with all specific job information, which will be the basis of our quotes. Specific details such as lane closures, traffic control points, project labor agreements/organized labor unions, locations for transfers to drop trailers, State, County & City agencies road closures, on and/or off-ramp turn-around access, designated truck routes per job specific contract language, etc., are needed to qualify per ton or per load rates, as these types of rates reflect time constraints. R & S Trucking reserves the right to void quoted rates that reflect time constraints (per ton or per load) at any time, due to lack of specific accurate information given at time of request. Default to hourly rates might prevail, however that could change also dependent on information given at time of request!
20. Contractor must provide a site on each job for all truckers to clean out trailers daily at end of the last load.
21. R & S Trucking is not responsible for delays caused by equipment failure of employees, agents or sub haulers of R & S Trucking, or by act of God, strikers, lockouts or similar matters beyond the control of R & S Trucking.
22. If any action at law or in equity, including an Action for Declaratory Relief, is brought to enforce or interpret the provisions of this agreement, the prevailing party shall be entitled to reasonable attorney's fee which may be set by the court in the same action or in a separate action brought for that purpose in addition to any other relief to which that party may be entitled. This agreement will be governed by and construed in accordance with the laws of the State of California.
23. Any changes to R & S Trucking freight tags must be received by FAX in the R & S Trucking main office within 2 working days from date of work performed by R & S Trucking for review.
24. Notices will be deemed communicated to either party to this agreement by either fax or certified mail using date of actual receipt of notice to receiving party.
25. R&S Trucking is not responsible for project production due to availability of trucks or any other reason, on any job.
26. As it is standard practice in the construction industry for contractors not to sign truckers trucking quotes, if R & S Trucking sign's a contractor's agreement/contract for trucking services; this action will be construed as a contractor signing an R & S Trucking complete quote with its terms & agreements. This also means that an R & S Trucking quotes supersedes any/all contractors agreements/contract/purchase order, and contractor will hold harmless anything associated in that contract, including production.
27. **R&S Trucking Co. is a VENDOR, not a SUB CONTRACTOR.**
28. Yearly escalation raise on top of the base rate quoted shall occur at 6% yearly, commencing 1 year after the job start date, and shall continue yearly with 6% raises, year after year, for the continued duration of this same job.
29. All Asphalt mix designs, such as Polymer blends, Rubberized, Open-Grade, etc., require the contractor to supply a designated clean-out area on the jobsite, and to supply release agents, such as: United Products, Smart Solve Tar Remover # 603, along with additional equipment & manpower to help facilitate the clean-out of any and all truck and trailer(s). This also includes other sticky materials: such as Bay Mud, Wet Concrete mixes, etc. The time spent on this additional clean-out is chargeable at the hourly rates listed and accrues separately for this clean-out procedure, and this extra-time is not allowed to be averaged-out. In addition, R & S Trucking only hauls rubberized/open-grade type asphalts in 5-axle Double bottoms/Semi bottoms only, when available.
30. All rates quoted reflect a diesel cost per gallon up to and including: \$ 3.65/per gallon. After it rises to: \$ 3.66/per gallon, R & S Trucking will apply a diesel fuel surcharge rate of 1% for every \$.10 cent per gallon cost increase, as reported by the U.S. Dept. of Energy weekly on-highway diesel cost reports. Applying a diesel surcharge, after \$ 3.66/per gallon, shall be billed thru the previous weeks trucking work (1 week in arrears).
31. All quoted rates DO NOT reflect the cost of an on-site truck boss. If the need of one is required, and mutually agreed upon by R & S Trucking and the contractor requesting this need, then the requesting contractor agrees to pay all costs associated for an on-site truck boss type monitor. This additional fee typically runs approx. \$ 350.00/per day/per 8 hour shift, plus fuel cost. This rate is subject to change accordingly.

Continued.....

- 32. If & when and any & all Teamsters Local 315 or any other union local initiation fees and monthly union dues are required for any type of on-site/off-site/import/export trucking or trucks or owner-operators or independents that are pulling R & S Trucking's boxes or trailers = All dues payable will be paid out thru the general contractor awarded the above mentioned job. This applies to Project Labor Agreements also. R & S Trucking is not obligated to be a member of the Teamsters or join any other agreement with any organized union, or any project labor agreements.
- 33. When "budget trucking only estimates" are provided alongside quoted hourly rates, these budgets are provided reflecting the contractors/estimators desire & requests to help arrive to a: "Approximation of time cycles and/or tonnage estimate to help create a budget cost +/-". These budget costs/rates are not to be considered accurate enough for a commitment and are created only for a convenience, therefore only the hourly rates quoted at the time shall prevail.

Cutler Trucking Inc. dba: R&S Trucking

_____		_____	
Contractor or Agent			
_____	_____	_____	_____
Signature	Date	Signature	Date

In business since 1984, providing General Engineering Contractors, Developers & Home Builders, Vineyard Operations and City, State & County Agencies with Trucking Services and Truck Brokering capabilities.

Thank you for choosing R & S Trucking for your special project

www.rstrucking.com



008/028

Unified Certification Program

<http://www.dot.ca.gov/ucp/QuerySubmit.do>

Back To Query Form

Search Returned 1 Records

Mon Mar 16 13:43:48 PDT 2015

Query Criteria

Firm/DBA Name: R&S trucking

Firm Type: DBE

Firm ID	38042
Firm/DBA Name	R&S TRUCKING, INC
Address Line1	1888 ALMAR PKWY
Address Line2	
City	SANTAROSA
State	CA
Zip Code1	95403
Zip Code2	
Mailing Address Line1	P.O. BOX 414
Mailing Address Line2	
Mailing City	FULTON
Mailing State	CA
Mailing Zip Code1	95439
Mailing Zip Code2	0414
Certification Type	DBE
Email	scutler@retrucking.com
Contact Name	SHARON CUTLER
Area Code	(707)
Phone Number	571-8820
Fax Area Code	(707)
Fax Phone Number	571-0384
Agency Name	DEPARTMENT OF TRANSPORTATION
Counties	01; 07; 17; 21; 23; 28; 34; 38; 41; 48; 49; 57; 58;
Districts	01; 03; 04;
DBE NAICS	484110;
ACDBE NAICS	
Work Codes	C9774 TRUCKER;
Licenses	
Trucks	FOR HIRE - 31;
Gender	F
Ethnicity	CAUCASIAN
Firm Type	DBE

Back To Query Form

04/03/2015 08:02 FAX 707 998 8641

HANFORD ARC

Apr 3 2015 09:06am

010/028

CUTLER TRUCKING, INC.	100007198	OTHR:CAL 0029083	01/27/2015	08/30/2015
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ATTACHMENT 11

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER

1727 30th STREET, MS-43

SACRAMENTO, CA 95816-8041

PHONE (916) 227-6299

FAX (916) 227-6282

www.dot.ca.gov/hq/esc/oe



*Serious drought.
Help move water!!*

March 10, 2015

Facsimile: (530) 926-2118

Jennifer L. Knight, Secretary
Shasta Services, Inc. DBA Timberworks
509 S. Mt. Shasta Blvd.
Mt. Shasta, CA 96067

03-0F6904
03-But-70-24.0/24.5
BO: 01/21/15

Dear Ms. Knight:

The Department of Transportation (Caltrans) received a letter from Marcus L. Turner of Radoslovich Parker representing Shasta Services, Inc. dba Timberworks (Timberworks) on February 12, 2015, in response to a bid protest from Myers & Sons Construction, LP (Myers & Sons), dated February 3, 2015. The protest alleges that Timberworks failed to comply with the Disadvantaged Business Enterprise (DBE) Commitment form instructions and expanded the scope of work for S.T. Rhoades Construction (S.T. Rhoades) by adding bid items 61 and 66 to the work to be performed on the DBE Commitment form. The protest also alleges Timberworks listed AC Dike to perform 100% of bid items 62, 63, 64, 65 and 66 (Place Hot Mix Asphalt Dike (Type A, C, E and F), Place Hot Mix Asphalt Miscellaneous Area), but failed to list AC Dike for bid item 61 (Minor Hot Mix Asphalt). Lastly, the protest alleges that Timberworks revised its bid day submission of the Subcontractors List form for Frank Medina Engineering (Frank Medina) and added bid item 96 (Vegetation Control- Minor Concrete) to work described as barricades, drums, fencing, signs and guardrail. Myers & Sons requests that Caltrans determine the bid submitted by Timberworks nonresponsive.

With respect to the allegation that Timberworks failed to comply with the DBE Commitment form instructions and expansion of work for S.T. Rhoades; Caltrans agrees. On bid day, Timberworks listed S.T. Rhoades to perform work described as Asphalt Paving and on its 24-hour identified bid items 60, 67 and 71 (Hot Mix Asphalt, Tack Coat, Temporary Bridge—(Hot Mix Asphalt). However, 4 days later, Timberworks submitted its DBE Commitment form with S.T. Rhoades listed as performing the same aforementioned described items of work, along with additional work described as Cold Plane Asphalt (bid item 47). Timberworks did not list this item on its Subcontractors List form, however the written confirmation provided by S.T. Rhoades includes this item with a proposed amount of \$5,400 and it appears that this item was accepted as part of the claimed participation for S.T. Rhoades, as it was included in the handwritten confirmation total of \$278,388.00, but was not included in the listed claimed DBE participation amount of \$272,988.00. Along with this item Timberworks also included two additional items of work for S.T. Rhoades, Minor Hot Mix Asphalt (bid item 61) and Place Hot Mix Asphalt - Misc Area (bid item 66). These two additional items were not listed on the Subcontractors List for S.T. Rhoades; in fact bid item 66 was listed to be performed by A.C Dike. The written confirmation provided, shows a strikethrough over the proposed amount for these items and the total for these items was excluded from the DBE's proposed participation.

Ms. J. Knight
March 10, 2015
Page 2

The instructions for completing the DBE Commitment form states in part, ... "Names of the First Tier DBE Subcontractors and their respective items(s) of work listed must be consistent, where applicable, with the names and items of work in the "Subcontractor List" submitted with your bid". For these reasons, Caltrans finds the bid nonresponsive.

As the protest relates to the failure to list AC Dike for bid item 61, Minor Hot Mix Asphalt, Caltrans assumes that this item will be supplied by the bidder, Timberworks since there is no indication that this item will be subcontracted. Caltrans therefore disagrees with the protest on this issue.

With regard to bid item 96 (Vegetation Control - Minor Concrete), Frank Medina was listed on the bid day submittal and in Timberwork's subsequent 24 hour submittal to perform work described as Midwest Guardrail System. On the Standard Plans, Sheets 78 of 123, Midwest Guardrail System Typical Vegetation Control For Standard Railing Section allows for the construction of vegetation control flush with the back edge of the guardrail post, and where the dike is constructed under the railing, vegetation control is to be constructed to the back of the dike and to the edge of the paved shoulder. Caltrans therefore find that there exists a nexus between a description of Midwest Guardrail System and the inclusion of Vegetation Control—Minor Concrete associated with that description and disagrees with the protest on this issue.

Based on the above, Caltrans will proceed to award this contract to the lowest responsible bidder, provided that all requirements have been met.

If you have any questions, please contact Mulissa Smith, Contract Awards Manager, at (916) 227-6228.

Sincerely,



✓

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

**** Transmit Conf. Report ****

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

Mar 10 2015 04:43pm

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
915309262118	Normal	10:04:43pm	0'27"	2	# 0 K	

STATE OF CALIFORNIA - CALIFORNIA STATE TRANSPORTATION AGENCY

UNIVERSITY MICROFILMS

**DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES**

OFFICE ENGINEER
1727 30th STREET, MS-43
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6289
FAX (916) 227-6282
www.dot.ca.gov/hq/eng/esc



*Serious drought.
Help save water!*

March 10, 2015

Facsimile: (530) 926-2118

Jennifer L. Knight, Secretary
Shasta Services, Inc. DBA Timberworks
509 S. Mt. Shasta Blvd.
Mt. Shasta, CA 96067

03-0P690d
03-Bar-70-24.0/24.5
BO: 01/21/15

Dear Ms. Knight:

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04/03/2015 08:02 FAX Received
707 996 6641

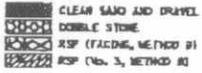
HANFORD ARC

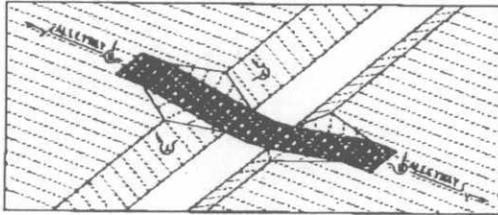
Apr 3 2015 09:07am

015/028

ATTACHMENT 12

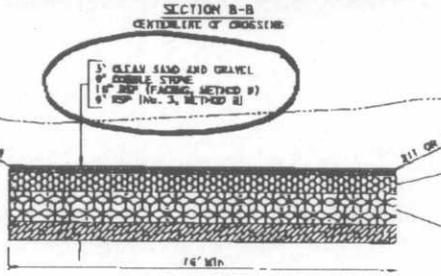
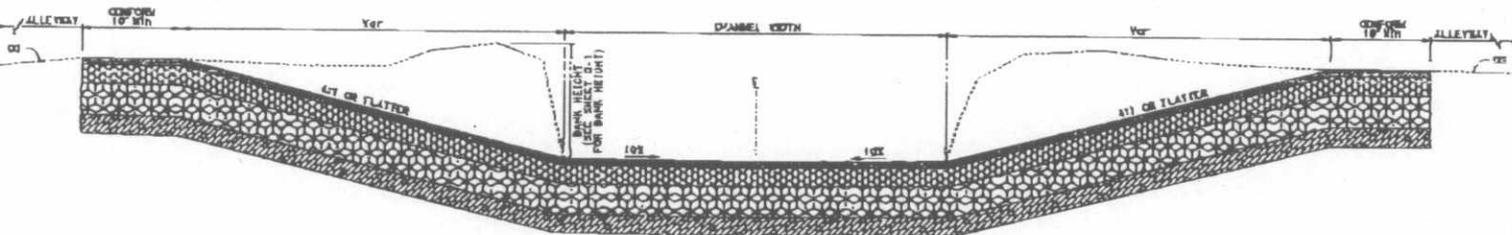
NOTES:
 1. FOR PLAN VIEW SEE LAYOUT SHEETS.
 2. LOCATIONS TO BE DETERMINED BY ENGINEER.
 3. FOR ALLEYWAY DETAILS, SEE SHEET SD-1.
 4. STREAM CROSSINGS ARE FIELD FIT, WORK AS DIRECTED BY ENGINEER.

LEGEND

 CLEAN SAND AND GRAVEL
 DOUBLE STONE
 RSP (FACING, METHOD B)
 RSP (NO. 3, METHOD B)



REV#	QUANTITY	DATE	BY	CHKD BY	DATE
01	Men	101	CS.O/S/SLB	6	172

10-20-14
 REGISTERED CIVIL ENGINEER STATE OF CALIFORNIA
 10-20-11
 CIVIL
 CIVIL



STREAM CROSSING EXISTING
 (SC-4, SC-5, SC-10, SC-11, SC-14, SC-18, SC-19, SC-20, SC-21)

STREAM CROSSING NEW
 (SC-1, SC-2, SC-3, SC-6, SC-7, SC-8, SC-9, SC-12, SC-13, SC-16)

ALLEYWAY
CONSTRUCTION DETAIL
 NO SCALE
C-4

ATTACHMENT 13

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 30th STREET
P. O. BOX 168041
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6299
FAX (916) 227-6282
www.dot.ca.gov/hq/esc/oc



*Flex your power!
Be energy efficient!*

October 17, 2013

Facsimile: (760) 200-9014

Regina Castro, Vice President
Desert Concepts Construction
77-770 Country Club Dr., Suite D
Palm Desert, CA 92111

12-0L3804
12-ORA-39-1.1/19.2
B.O. 6/27/13

Dear Ms. Castro:

The Department of Transportation (Caltrans) received the attached letters from AFSAR law Group on behalf of Desert Concepts Construction Inc. (Desert Concepts) on July 23, August 2, and August 8, 2013, protesting the bid documents submitted by Highland Construction Inc. (Highland). The protest alleges that Highland listed Global Transloading on its Disadvantaged Business Enterprise (DBE) Commitment form but did not include Global Transloading on the Subcontractor List. Desert Concepts requests Caltrans find the bid submitted by Highland nonresponsive and award the contract to Desert Concepts.

The Office of Business and Economic Opportunity, Contract Evaluation Unit (CEU) evaluated the DBE Commitment form submitted by Highland and determined that Highland met the 10 percent goal for this project. Furthermore, Global Transloading was listed to perform trucking services and certified truckers are not required to be listed on the Subcontractor List.

As such, the protest submitted by Desert Concepts lacks merit. Caltrans will proceed to award this contract to the lowest responsive and responsible bidder, provided that all requirements have been met.

The Resident Engineer will receive a copy of this letter for contract administration and compliance.

If you have any questions please contact Mulissa Smith, Contract Awards Branch Chief, at (916) 227-6228.

Sincerely,

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

Attachments

c: District Resident Engineer

07/23/2013 15:55 AFSAR LAW GROUP

Jul 23 2013 03:54PM FAX/7603453220

P.002/003

AFSAR LAW GROUP

78-000 Fred Waring, Suite 203
Palm Desert, CA 92211
Ph: 760.345.3110
Fax: 760.345.3220
www.afsarlaw.com

July 23, 2013

VIA FACSIMILE & U.S. MAIL ONLY

State of California Department of Transportation/Caltrans
Division of Engineering Services
Office Engineer
1727 30th Street
Sacramento, CA 95816

Re: Bid Protest on Contract Number 12-0L3804

To Whom It May Concern:

This office represents the legal interests of Desert Concepts Construction, Inc. It is my client's understanding that Highland Construction, Inc. (hereinafter "Highland") is third low bidder. This correspondence is provided as a formal bid protest to the bid submitted by Highland.

The bid of Highland fails to follow instructions included on the face of the DBE Commitment form. More specifically, the DBE commitment form requires that "[n]ames 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 "List of Subcontractors" submitted with your bid." Here, Highland submits a DBE Commitment form showing Contract No. 28 (Partial) to be completed by Global Transloading. The Subcontractor List, however, fails to show Global Transloading whatsoever.

The Subcontractor List itself states, "[t]he 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. ... Failure to provide complete information in columns 1 through 4 within the time specified will result in a non-responsive bid." With Global Transloading listed on the DBE Commitment as performing Dollar Amount DBE valued at \$118,065.60 it is unquestionable that Global Transloading was required to be listed on the Subcontractor List and the failure to include them renders Highland's bid non-responsive.

RECEIVED
07/23/2013 15:55 AFSAR LAMGRP

JUL 23 2013 03:34PM
FAX/1845320

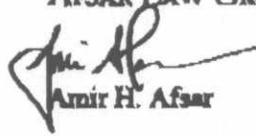
P.003/003

July 23, 2013
Page 2 of 2

As always, we appreciate your time in reviewing the bid referenced herein and this correspondence in protest of same. If we can provide further assistance with regard to this project, please contact this office or Desert Concepts Construction, Inc. at your earliest opportunity.

Very truly yours,

AFSAR LAW GROUP, A.P.C.


Amir H. Afsar

cc: Client
AHA/jbi
LOT2313.HIGHLANDConst.BIDProtest.doc

07/23/2013 15:55 AFSAR LAW GROUP

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JUL 23 2013 08:38:33

FAK0035320

P.001/003



78-000 Fred Waring, Suite 203
Palm Desert, California 92211
Telephone (760) 345-3110 Facsimile (760) 345-3220

July 23, 2013

Total Number of Pages 3 (Including This Cover Letter)

Please deliver the attached pages to:

Company: State of California Department of Transportation/Caltrans
Office Engineer

Recipient's Fax No.: (916) 227-6282

From: Amir H. Afsar, Esq.
Transmitted From: (760) 345-3220

Re: Bid Protest on Contract Number 12-01.3804

Please see the attached correspondence.

If you have any additional questions, please don't hesitate to contact this office.

Thank you,

Original Sent By U.S. Mail: Yes No

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Received
08/02/2013 14:59 AFSAR LAW GROUP

08/02/2013 14:59 AFSAR LAW GROUP
FAX 760.345.3220

P.002/003

AFSAR LAW GROUP

78-000 Fred Waring, Suite 203
Palm Desert, CA 92211
Ph: 760.345.3110
Fax: 760.345.3220
www.afsarlaw.com

August 2, 2013

VIA FACSIMILE & U.S. MAIL ONLY

John McMillan
State of California Department of Transportation/Caltrans
Division of Engineering Services
Office Engineer
1727 30th Street
Sacramento, CA 95816

**Re: Response to Highland Construction's Bid Protest Response
Contract Number 12-0L3804**

Dear Mr. McMillan:

As you may recall, this office represents the legal interests of Desert Concepts Construction, Inc. (hereinafter referred to as "Desert Concepts"). This correspondence is written in response to a letter dated July 24, 2013, provided by Highland Construction (hereinafter "Highland") in defense of their improper DBE Commitment form and non-responsive bid.

As the Desert Concepts bid protest previously stated, the Highland bid included a DBE Commitment form showing Global Transloading completing Contract No. 28 (Partial) but failed to include Global Transloading on their Subcontractor List. Highland's July 24 letter explains that they "did not "fail to list" Global Transloading (GT) as a subcontractor because GT is not considered a subcontractor as defined by the Subletting and Subcontracting Fair Practices Act." However, Highland is incorrect and GT is required to be listed. Section 4104 of the Subletting and Subcontracting Fair Practices Act states,

"Any officer, department, board or commission taking bids for the construction of any public work or improvement shall provide in the specifications prepared for the work or improvement or in the general conditions under which bids will be received for the doing of the work incident to the public work or improvement that any person making a bid or offer to perform the work, shall, in his or her bid or offer, set forth:

(s)(1) The name and the location of the place of business of each subcontractor who will perform work or labor or render

August 2, 2013
Page 2 of 2

service to the prime contractor in or about the construction of the work or improvement, or a subcontractor licensed by the State of California who, under subcontract to the prime contractor, specially fabricates and installs a portion of the work or improvement according to detailed drawings contained in the plans and specifications, in an amount in excess of one-half of 1 percent of the prime contractor's total bid or, in the case of bids or offers for the construction of streets or highways, including bridges, in excess of one-half of 1 percent of the prime contractor's total bid or ten thousand dollars (\$10,000), whichever is greater..." (emphasis added)

Here, Highland's July 24 letter explains that while GT is not a subcontractor and has no subcontractor's license, they are a "trucking firm" who will "render a service to the prime contractor in or about the construction of the work or improvement" - namely GT will be trucking the hazardous material so it can be disposed of at a licensed hazardous waste facility. Additionally, the costs associated with GT's services are in excess of one-half of 1 percent of the prime contractor's total bid as GT is listed on the DBE Commitment and attributed \$118,065.60 which represents 6.43% of the total bid amount provided by Highland (\$1,836,531.50).

Moreover, this very instruction is on the Subcontractor List itself. In plain language the Subcontractor List explains, "[t]he 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. ... Failure to provide complete information in columns 1 through 4 within the time specified will result in a non-responsive bid." It remains unquestionable that Global Transloading was required to be listed on the Subcontractor List and the failure to include them renders Highland's bid non-responsive.

If we can provide further assistance with regard to this project, please contact this office or Desert Concepts Construction, Inc. at your earliest opportunity.

Very truly yours,

AFSAR LAW GROUP, A.P.C.


Amir M. Afsar

cc: Client
AHA/jbl
L080213.R-Response-2Highland.doc

RECEIVED
08/02/2013 14:59 AFSAR LAW GROUP

MAIL 2 2013 03-00PM
FAX 707 996 8641

P.001/003



78-000 Fred Waring, Suite 203
Palm Desert, California 92211
Telephone (760) 345-3110 Facsimile (760) 345-3220

August 2, 2013

Total Number of Pages 3 (including This Cover Letter)

Please deliver the attached pages to:

Company: State of California Department of Transportation/Caltrans
Office Engineer

Recipient's Fax No.: (916) 227-6282

From: Amir H. Afsar, Esq.

Transmitted From: (760) 345-3220

Re: Bid Protest on Contract Number 12-0L3804

Please see the attached correspondence.

If you have any additional questions, please don't hesitate to contact this office.

Thank you,

Original Sent By U.S. Mail: Yes No

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08/08/2013 14:39 AFSAR LAW GROUP

FAX 760.345.3720

P.002/003

AFSAR LAW GROUP

78-000 Fred Waring, Suite 203
Palm Desert, CA 92211
Ph: 760.345.3110
Fax: 760.345.3720
www.afsarlaw.com

August 8, 2013

VIA FACSIMILE & U.S. MAIL ONLY

John McMillan
State of California Department of Transportation/Caltrans
Division of Engineering Services
Office Engineer
1727 30th Street
Sacramento, CA 95816

Re: **Second Response to Highland Construction's Bid Protest Response
Contract Number 12-0L3804**

Dear Mr. McMillan:

As you may recall, this office represents the legal interests of Desert Concepts Construction, Inc. (hereinafter referred to as "Desert Concepts"). This correspondence is written in response to a letter dated August 6, 2013, provided by Highland Construction (hereinafter "Highland") in their ongoing defense of their improper DBE Commitment form, defective Subcontractor list and non-responsive bid.

The claims of Highland Construction and Ms. Stelle are disingenuous. The determination that Highland incorrectly failed to include Global Transloading on their Subcontractor List is not a difficult issue requiring a multitude of statutes and caselaw. As previous correspondences have stated, the failure to include Global Transloading was a violation of Section 4104 of the Subletting and Subcontracting Fair Practices Act and contrary to the instructions on the very face of the Subcontractor List itself.

In their August 6, 2013 letter, Highland attempts to paint Global Transloading as a simple equipment renter providing trucking services that will do absolutely nothing other than haul material. Highland goes to great lengths to explain that Highland will perform all work itself and that Global Transloading is merely providing end dump trucks. This issue and a quite similar claim was addressed in Leonard v. Hermreck (1959) 168 Cal.App.2d 142. In Leonard, the prime contractor on a highway project contracted with Leonard to haul 220,000 tons of dirt from a pit to the roadbed of the highway. When the prime contractor refused to pay Leonard for the hauling, Leonard filed suit. The court, however, granted the prime contractor's motion for nonsuit on the grounds Leonard was an unlicensed contractor. The court explained that Leonard came within the definition of a contractor because he "did

08/08/2013 14:39 AFSAR LAW GROUP

AF0780343220

P.003/003

August 8, 2013
Page 2 of 2

subtract from the pit" and he "added to and improved" the highway. These facts showed Leonard was more than just a material supplier but was in-fact providing services for which a construction license was needed.

The facts of *Leonard* fall directly in line with the issue at hand. Highland is the prime contractor hiring Global Transloading to haul material. While Highland would like to characterize this work as "renting trucks" they are not in-fact renting trucks. They are hiring another business to conduct hauling activities of hazardous materials from the highway project. A role that undisputedly is akin to Leonard's subtracting from the pit and a clear improvement to the highway construction project.

The case selected to highlight the incongruence of Highland's argument is one that should be quite familiar to them. In fact, it was the *Leonard* case the Court of Appeals cited at length in Highland's September 2010 litigation against the State of California Department of Transportation.¹ In that action, Highland was awarded a contract to pave turnouts. In their bid, Highland failed to name a subcontractor utilized, Ortiz Paving Corporation, and a monetary penalty was assessed. Highland appealed the penalty and Ms. Stille claimed the paving work was done by Highland and that Highland had only rented equipment with operators from Ortiz Paving Corporation – an argument virtually identical to the one made here. The court, however, determined that the work performed by Leonard reached a level which would require a license. Here, it is unquestioned that Global Transloading will be providing trucks with drivers (i.e. operated equipment) and that said trucks will be providing a service to the project by removing hazardous materials. As a result and similar to *Leonard*, Global Transloading will "render a service to the prime contractor in or about the construction of the work or improvement" and should have been listed on the Subcontractor List rendering their bid non-responsive.

If you have any questions or wish to discuss this correspondence in further detail, please contact this office or Desert Concepts Construction, Inc. at your earliest convenience.

Very truly yours,

AFSAR LAW GROUP, A.P.C.



Amir H. Afsar

cc: Client
AHA/jbl
L080713.2ndRspone270highland.doc

¹ *Highland Construction, Inc. v. State of California Department of Transportation* Second Appellate District, Division One, Case No. B221916 (Los Angeles County Superior Court Case No. BS119024).

08/08/2013 14:39 AFSAR LAW GROUP

FAX/REG/3220

P.001/003



78-000 Fred Waring, Suite 203
Palm Desert, California 92211
Telephone (760) 345-3110 Facsimile (760) 345-3220

August 8, 2013

Total Number of Pages 3 (Including This Cover Letter)

Please deliver the attached pages to:

Company: State of California Department of Transportation/Caltrans
Office Engineer

Recipient's Fax No.: (916) 227-6282

From: Afsar Law Group, A.P.C.
Transmitted From: (760) 345-3220

Re: Contract Number 12-0L3804
Second Response to Highland Construction's Bid Protest Response

Please see the attached correspondence.

If you have any additional questions, please don't hesitate to contact this office.

Thank you

Original Sent By U.S. Mail: Yes No

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*** Transmit Conf. Report ***

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

Oct 18 2013 10:38am

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
917602009014	Normal	18:10:36am	1'45"	10	# 0 K	

STATE OF CALIFORNIA - CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr. Governor

DEPARTMENT OF TRANSPORTATION
 DIVISION OF ENGINEERING SERVICES
 OFFICE ENGINEER, MS 43
 1727 30th STREET
 P. O. BOX 168041
 SACRAMENTO, CA 95816-8041
 PHONE (916) 227-6299
 FAX (916) 227-6282
 www.dot.ca.gov/hq/ce/sac



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October 17, 2013

Facsimile: (760) 200-9014

Regina Castro, Vice President
 Desert Concepts Construction
 77-770 Country Club Dr., Suite D
 Palm Desert, CA 92111

12-0L3804
 12-ORA-39-1.1/19.2
 B.O. 6/27/13

Dear Ms. Castro:

The Department of Transportation (Caltrans) received the attached letters from AFSAR law Group on behalf of Desert Concepts Construction Inc. (Desert Concepts) on July 23, August 2, and August 8, 2013, protesting the bid documents submitted by Highland Construction Inc. (Highland). The protest alleges that Highland listed Global Transloading on its Disadvantaged Business Enterprise (DBE) Commitment form but did not include Global Transloading on the Subcontractor List. Desert Concepts requests Caltrans find the bid submitted by Highland nonresponsive and award the contract to Desert Concepts.

The Office of Business and Economic Opportunity, Contract Evaluation Unit (CEU) evaluated the DBE Commitment form submitted by Highland and determined that Highland met the 10 percent goal for this project. Furthermore, Global Transloading was listed to perform trucking services and certified truckers are not required to be listed on the Subcontractor List.

As such, the protest submitted by Desert Concepts lacks merit. Caltrans will proceed to award this contract to the lowest responsive and responsible bidder, provided that all requirements have been met.

The Resident Engineer will receive a copy of this letter for contract administration and compliance.

If you have any questions please contact Melissa Smith, Contract Awards Branch Chief, at (916) 227-6228.

Sincerely,


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

Attachments

c: District Resident Engineer



Hanford ARC

FAX

Part 1 of 2

To: Mr. John McMillan, Deputy Division Chief

Caltrans, Division of Engineering Services

From: Mark Cederborg

Fax: 916-227-6282

No. of Pages (including cover): 38

Phone:

Date: 3-22-13

Re: Request for Rubber Parts Order for our 2008 Model AX500 U-Screen

COMMENTS:

Bid Protest 01-262054, Response to DeSilva Gates Construction April 2, 2014 letter

Date of Bid: 3-12-14

Part 1 of 2 (Response Letter and Attachment 9)

STREAMS ^ WETLANDS ^ PARKS
RESTORATION & CONSTRUCTION

23195 MAFFEI ROAD ^ SONOMA, CA 95476 ^ TEL: 707 996 8633 ^ FAX: 707 996 6641