



150 Executive Park Blvd., Suite 4100  
San Francisco, CA 94134  
www.synergypm.com

May 6th, 2013

Department of Transportation  
Division of Engineering Services  
Office Engineer, MS 43  
1727 30<sup>th</sup> Street  
P.O. BOX 168041  
Sacramento, CA 95816-8041  
Phone (916) 227-8300  
Fax (916) 227-6282

**Attn:** Mr. John McMillan  
Deputy Division Chief

**Subject:** 01-491214 State Highway in Lake County Near Lower Lake From Coyote Creek Bridge  
to 1.2 Miles South of route 53

**Re:** Formal Protest Submitted by Windsor Fuel Company 01-491214 Submitted on 4/17/13

Dear Deputy Division Chief,

This letter constitutes Synergy Project Management, Inc.'s written protest of Windsor Fuel Company Submitted bid on Caltrans project 01-491214 submitted on April 17<sup>th</sup>, 2013. Per Caltrans specifications, Synergy Project Management, Inc. hereby submits formal protest before award of contract on the basis that Windsor Fuel Company did not comply with Caltrans bidding requirements. Synergy Project Management, Inc. is currently the second lowest bidder and requests that Windsor Fuel Company bid be found non-responsive and rejected.

The required bid form "Subcontractor List" clearly states..."The bidder must identify each subcontractor performing work in excess of 1/2 percent of the total bid or \$10,000, whichever is greater (Pub Con Code 4100 et seq)". Windsor Fuel submitted their 4 day DVBE submittal package on 4/19/13 as attached. In this submitted package, Windsor Fuel Company is claiming DVBE credit for Global Environment in the amount of \$12,160 which is 0.94% of the total bid amount and over the required threshold. DVBE participation was also claimed for Wells Sweeping in the amount of \$14,500 which equals 1.12% of the total bid amount also over the required threshold. Lastly, Windsor Fuel Company also claimed DVBE participation for Mike Arthur & Sons in the amount of \$10,440 equal to 0.81% also over the required threshold.

Per the California Construction Code Section 4104 (a) (1)...

4104. 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



150 Executive Park Blvd., Suite 4100  
San Francisco, CA 94134  
www.synergypm.com

making a bid or offer to perform the work, shall, in his or her bid or offer, set forth:

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

As you can see from the attached "Subcontractor Listing", Windsor Fuel Company only listed Linear Options as a subcontractor and failed to list Global Environment, Wells Sweeping, and Mike Arthur & Sons as required by the bid form instructions and the public contracting code. All three unlisted subcontractors will perform work or labor or render service to Windsor Fuel Company per the public code. We request that Windsor Fuel Company's bid be rejected and that Synergy Project Management, Inc. be found as the lowest responsive bidder

A handwritten signature in black ink, appearing to read "Manuel Arce". The signature is stylized and somewhat cursive.

Sincerely,

Manuel Arce

Director of Construction

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

Bidder Name: Windsor Fuel Co.

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
LINEAR OPTIONS MENDO PARK, CA	1	100	LEAD COMPLIANCE PLAN
	3	11.3	TRAFFIC CONTROL (Partial)
	7	100	Remove Thermo stripe
	8	100	Remove Thermo Marking
	15	100	Centerline Pumble stripe
	16	100	Shoulder Pumble Strip
	19	100	Thermo Pavement Marking
	20	100	4" Thermo Traffic Stripe
	21	100	4" Thermo Traffic Stripe Broken 12-3
	22	100	4" Thermo traffic stripe Broken 36-12
	23	100	8" Thermo traffic stripe
	24	100	Pavement Marker (Retri)
	25	100	Pavement Marker (Retri Recessed)

**ADA Notice** For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

DIX

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
**CERTIFIED DVBE SUMMARY**  
 DES-0E-0102.5 (REV 3/2008)

# Low Bidder

DISTRICT-COUNTY-ROUTE: 01 Lak 29  
 CONTRACT NO.: 01-491214  
 TOTAL BID: \$1,292,099.00  
 BID OPENING DATE: APRIL 17, 2013  
 BIDDER'S NAME: Windsor Fuel Company  
 DVBE PRIME CONTRACTOR CERTIFICATION <sup>1</sup>

34-19-13P01:49 RC73

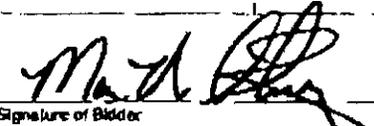
Bid Item Number	Description of Work to Be Subcontracted to DVBE or Materials to Be Supplied by DVBE <sup>2</sup>	For Caltrans Only	DVBE (Name, Telephone No., and Certification No.)	\$ Amount
19-23	Supply Trenches material to Lot		James Carlo Leland 530-845-9257 CERT # 467	\$21,450.00
406	WACP - PCMS		Global Environmental 800-230-6944 CERT # 29165	\$12,160.00
9,10,12,14	Street Sweeping		Wells Sweeping 916-568-0104 CERT # 0000333	\$14,500.00
9,14	Water Truck Services		MIKE ARMSTRONG 530-668-6692 CERT # 46844	\$10,440.00
Names of first tier DVBE subcontractors and their items of work listed must be consistent with the names and items of work in the Subcontractor List (Pub Cont Code § 4100 et seq.) submitted with the bid. Identify second and lower tier subcontractors on this form.			<b>Total Claimed Participation</b>	\$ <u>58,550.00</u> <u>4.531</u> %

1. DVBE prime contractors must enter their DVBE reference number or their DBA name as listed with Department of General Services (DVBE prime contractors are credited with 100 percent DVBE participation and need not complete the above table).

2. If 100% of an item is not performed or supplied by the DVBEs, describe the exact part, including the planned location of work to be performed, or item to be performed or supplied by DVBE.

Submit to:

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

  
 Signature of Bidder \_\_\_\_\_ Date \_\_\_\_\_

925-427-5266  
 (Area Code) Telephone Number

MARC ARMSTRONG  
 Contact Person (Type or Print)

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3860 or write Records and Forms Management, 1720 N Street, MS-89, Sacramento, CA 95814.

# PROPOSAL



**Mike Arthur & Sons**  
Water Truck Service  
1007 Arlington Circle  
Woodland, CA 95696-2800

DNBE/SBE # <sup>6</sup> 48844

Project Name <b>WATER TRUCK SERVICE - WINDSOR FUEL</b>	Job Name <b>HIGHWAY PROJECT</b>	Job # <b>01-491214</b>
Address <b>1150 WILLOW PASS RD PITTSBURG CA</b>	Job Location <b>LAKE COUNTY</b>	Date of Plans
Phone # <b>707-217-1618</b>	Fax # <b>925-427-1216</b>	Architect

We hereby submit specifications and estimates for:

1 - 4000 GAL WATER TRUCK W/DRIVER

90<sup>00</sup> PER HOUR

90<sup>00</sup> PER DAY SUBSISTENCE

$$116.0 \times 90^{00} = 10,440^{00}$$

IF AVAILABLE

We propose hereby to furnish material and labor -- complete in accordance with the above specifications for the sum of:

\$ **90<sup>00</sup> PER HOUR - 90<sup>00</sup> PER DAY SUBSISTENCE** Dollars

with payments to be made as follows:

Any alteration or deviation from above specifications involving extra costs will be accepted only upon written order, and will increase an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control.

Respectfully submitted

Note - this proposal may be withdrawn by us if not accepted within \_\_\_\_\_ days.

## ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

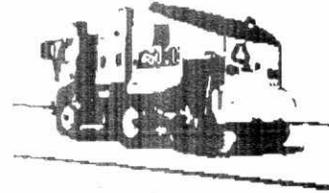
Signature \_\_\_\_\_

Date of Acceptance: \_\_\_\_\_

Signature \_\_\_\_\_

# WELLS SWEEPING

6426 Marquith Ave · Sacramento CA 95841  
Office: 916-668-0104 · Fax: 916-646-5760



April 16, 2013

Windsor Fuel Company  
Attn: Marc Armstrong  
[m.armstrong@telferoil.com](mailto:m.armstrong@telferoil.com)  
Tel: (707) 217-1918

**WELLS SWEEPING IS  
A CERTIFIED SMALL  
BUSINESS ENTERPRISE  
& DISABLED VETERAN  
BUSINESS ENTERPRISE**

Re: DVBE/SBE Sweeping Rates Proposal - CalTrans #01-491214 - DVBE/SBE

Dear Marc,

We would like to thank you for your time giving us this opportunity to offer you our rates. All rates provided are on a contract to contract basis. We are willing to do what it takes to build strong business relationship and hope that you will continue to call us for assistance on all of your projects.

Service Rates

Prevailing Sweeping Rate:	\$ 145.00 per hour with a 6 hour minimum (DVBE #0000333)	100 hrs x 145.00 =
Overtime Rate:	\$ 25.00 per hour additional (Over 8 Hours on Job Site)	
		<b>\$ 14,500.00</b>

Surcharges

Travel Rate:	\$ 114.00 per hour to and from project locations
Per Diem:	\$ 105.00 per diem (Per Nightly Lodging if necessary)
Weekend Hold:	\$ 80.00 per hour with a 6 hour minimum (Per day lodging onsite during weekend)
Cancellation:	\$ 95.00 per hour with a 6 hour minimum (Per scheduled day canceled)
Weekend Rate:	\$ 15.00 per hour additional (Saturday, Sunday, and Holidays)
Night Rate:	\$ 15.00 per hour (8:00PM - 8:00AM)

*We may be required to have equipment towed back to our shops for periodic servicing or operator exchange. Equipment may need to be serviced at our shop due to unexpected breakdowns. In the event we are unable to perform on the job due to breakdown or unavailability of equipment we may subcontract a local sweeper in at their rates which may vary higher than ours. We will make all attempts to quickly limit the expense in these events. In the event that we cannot perform or subcontract a contractor to perform on this job, Wells Sweeping will not be held liable for any back charges, surcharges, and/or costs related to delays. If dispatched equipment/driver is not able to perform on scheduled day and client is provided notice of the same, unless such circumstances exist that render such notice impossible, client will be responsible for acquiring a replacement. Client agrees to assume any and all liability for delay due to this circumstance. This clause remains in effect from the date of this proposal. (These circumstances are possible, but highly unlikely; we are performing work out of our normal course of operations and events out of our control can and may take place, we have a very high out-of-trip success rate and our clients are consistently satisfied with our services.) The parties agree that the contents herein are deemed a proposal until the contract is awarded to Wells Sweeping, at which time the terms and conditions stated herein become binding. \*Small surcharge may be added to cover fluctuations in fuel costs.*

We look forward to providing you with quality service.

Sincerely,

Aaron D. Ashcraft  
Chief Financial Officer

Office Contacts:

Brandon Wells	VP	916-825-8531
Aaron Ashcraft	CFO	916-265-8807
Vasilij Khoklan	OPS	916-439-3785



**CERTIFIED DISABLED VETERAN  
BUSINESS ENTERPRISE**



**WELLS SWEEPING CAN HELP IN MEETING DVBE PARTICIPATION GOALS**

## California Certification Report

**333 - WELLS SWEEPING COMPANY - MB | DVBE**

Legal Business Name	WELLS SWEEPING COMPANY		
Doing Business As	WELLS SWEEPING COMPANY		
Address	5425 MARMITH AVE SACRAMENTO, CA 95841	Phone	(916) 588-0104
		FAX	(916) 646-3760
Email	jay@wellsweeping.com		
Web Page	http://www.wellsweeping.com		
Active Certifications	SB (micro) Sep 14, 2012 - Sep 30, 2014 DVBE Sep 27, 2012 - Sep 30, 2014		
Business Types	Service; Non-Manufacturer;		
Classifications	[221017] Heavy equipment components [251737] Exhaust and emission controls [261017] Engine components and accessories [721015] Building maintenance and repair services [721033] Infrastructure maintenance and repair services [721410] Highway and road construction services [721537] Parking facility construction and equipment installation and maintenance and repair services		
Keywords	sweeping, street sweeping, parking lot maintenance, parking lot sweeping, DPF, retrofit Diesel particulate filter, diesel particulate trap, DPF retrofit, power washing, steam cleaning, floor scrubbing, parking garage, parking lot, construction sweeping		

**35390 - WELLS SWEEPING LLC**

Legal Business Name	WELLS SWEEPING LLC		
Doing Business As	WELLS SWEEPING LLC		
Address	5425 MARMITH AVE SACRAMENTO, CA 95841	Phone	(916) 588-0102
		FAX	(916) 646-3760
Email			
Web Page			
Active Certifications			
Business Types	Service; Non-Manufacturer;		
Classifications			
Keywords			



# GLOBAL ENVIRONMENTAL NETWORK, INC.

## ENVIRONMENTAL, SAFETY & CONSTRUCTION ENGINEERING SERVICES

Main Office: Box 8068, Fountain Valley, CA. 92728-8068

Additional Locations: Oakland / Fresno / Santa Cruz / Santa Maria / Santa Ana / Bakersfield

www.My-DVBE.com

License No. 878478 - A / Haz

Phone: 800-230-6944

email: GENI@SafetyGeni.com

Fax: 714-479-0809

CA DVBE / SBE No. 24765

DVBE / Est. \$1.43M

GENI Ref. No. 01-491214

Bid Date: 4/17/2013

April 11, 2013

Duration: 35 Working Days

SUBJECT: CA DVBE / SBE QUOTATION - CALTRANS # 01-491214

01-LAK-29-11.9/19.1; BONDED WEARING COURSE

\*\*\* Acceptance of This Bid is good for 30 Days from Bid Date. \*\*\*

Item 1 > Lead Compliance Plan (LCP) for Earth Material Containing Lead (EMCL), Residue Containing Lead from Paints & Thermoplastics (RCLPT), and Traffic Stripe Removal / Pavement Markings (TSR/PM)<sup>1,3,5,7</sup>

Options:

- 1) Lead Plan only (Certified by CIH); or \$785.00
- 2) Lead Plan (Certified by CIH) and Awareness Training; or \$1,775.00
- 3) Lump Sum (plan, training, air monitoring, analysis, report) \$3,175.00

Item 2 > Construction Area Signs Furnished (Unframed)<sup>1,3,9,10</sup>

Lump Sum \$3,625.00  
 Price based on 302 sqft of unframed signage (CAS) from sheet 5; CS-1  
 Note: Pricing does not include Lumber, Straps, Shipping or Sales Tax

Item 3 > Traffic Control System (partial)

> Arrow Boards<sup>1,2,3,8</sup>  
 4 Weeks Rate (each unit) \$575.00\*  
 7 Days Rate (each unit) \$245.00\*

Item 4 > Portable Changeable Message Signs (partial)<sup>1,2,3,8</sup>

4 Weeks Rate (each unit) \$1,275.00\*  
 7 Days Rate (each unit) \$575.00\*

\* Equipment delivery or pick-up rates  
 Pick up or drop off by customer at GENI's Facility.

Item 5 > Job Site Management (partial - Training Services)<sup>4,5,6,7</sup>

Lump Sum \$185.00

JSM Package - Option 1

This Job Site Management package includes a project specific JSM binder that an experienced Water Pollution Control Manager can use to assist them in meeting the project's Job Site BMP training / Management requirements.

OR

Lump Sum \$2,610.00

JSM Package - Option 2

Instructor led, On-Site BMP Awareness training course, a "Train the Trainer" course and a "Training CD" for your future training requirements. The JSM package includes a project specific JSM binder with a full colored Employee Training section. Five student manuals are also included in this package for the required training

*Handwritten initials/signature*

**SAFETY COURSES OFFERED BY SafetyGENI™**

- Crime Training
- CCO Written Exams
- CCO Practical Exams
- Traffic Control Coning & Flagging Awareness
- Safety Orientation for Construction
- Scaffold Safety Awareness
- Fall Protection Awareness
- Trench Safety Competent Person Awareness
- Trench Rescue
- Confined Space
- Confined Space Rescue
- Urban Search & Rescue
- Respirator Training & Fit Testing
- CPR & First Aid
- Crane Operator Awareness
- Forklift Training Awareness
- Aerial Lift Awareness
- Hearing Conservation Training
- DOT HM 126F/181 Awareness
- Emergency Response Awareness / Refresher
- Operational Technician Specialist
- HAZWOPER Awareness / Refresher
- Supervisor
- Waste Site Worker
- Household Hazardous Waste
- Asbestos Training
- Lead Training
- 24 Hr SWPPP Training

Item 6 > Prepare Water Pollution Control Program (WPCP)<sup>1,2,4,7</sup>  
Lump Sum (Est. 6 Engineering Drawings)

Option 1.B - Plan Written by a QSP and GENI is not the WPCM

\$685.00

IN ✓

Additional WPCP Services:

NOTE: For assistance with WPCM requirements, contact Marshall at 1-800-230-6944