

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 30th STREET
P. O. BOX 168041
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6280
FAX (916) 227-6282
TTY 711



*Flex your power!
Be energy efficient!*

July 19, 2013

Facsimile: (530) 629-2863

Roger Brown, President
R. Brown Construction Company, Inc.
P.O. Box 406
Willow Creek, CA 95573

02-2E3504
02-Tri-299-0.4/0.9
B.O. 04/30/2013

Dear Mr. Brown:

The Department of Transportation (Caltrans) received the attached letter on May 16, 2013, from R. Brown Construction Company, Inc. (R. Brown) in response to a nonresponsive bid finding for Contract 02-2E3504. R. Brown states that according to the 2006 Standard Specifications, the SSQP Certification was not a requirement at time of bid.

The Standard Specifications for 2006, Section 5-1.04, states in part... "Project plans shall govern over Standard Plans; Standard Plans and project plans shall govern over both these Standard Specifications; and the special provisions shall govern over both these Standard Specifications and the plans".

Caltrans makes the Special Provisions available to each bidder via its Office Engineers website. Each bidder has the sole responsibility of consulting the Special Provisions prior to submitting a bid. As evidenced, failure to adhere and/or comply with the Special Provisions, results in a nonresponsive bid. Attached for R. Browns reference, are the specific sections of the Special Provisions which details the requirement for the SSPC QP1 and QP3 certification, along with specific instructions on how to submit them. With regard to R. Browns response, Caltrans Engineers reviewed the bid documents, as well as the response and determined that R. Brown submitted its certifications subsequent to the due date and only submitted SSPC QP1 and QP2 certifications. Based on this determination, Caltrans will uphold its position regarding the nonresponsive finding and R. Brown is not eligible for award of this contract.

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

Sincerely,

A handwritten signature in black ink, appearing to read "John C. McMILLAN".

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

SECTION 5

CONTROL OF WORK

the Contractor shall submit to the Engineer a detailed plan showing the design and details of the protective systems to be provided for worker protection from the hazard of caving ground during excavation. The detailed plan shall include any tabulated data and any design calculations used in the preparation of the plan. Excavation shall not begin until the detailed plan has been reviewed and approved by the Engineer.

Detailed plans of protective systems for which the Construction Safety Orders require design by a registered professional engineer shall be prepared and signed by an engineer who is registered as a Civil Engineer in the State of California, and shall include the soil classification, soil properties, soil design calculations that demonstrate adequate stability of the protective system, and any other design calculations used in the preparation of the plan.

No plan shall allow the use of a protective system less effective than that required by the Construction Safety Orders.

If the detailed plan includes designs of protective systems developed only from the allowable configurations and slopes, or Appendices, contained in the Construction Safety Orders, the plan shall be submitted at least 5 days before the Contractor intends to begin excavation. If the detailed plan includes designs of protective systems developed from tabulated data, or designs for which design by a registered professional engineer is required, the plan shall be submitted at least 3 weeks before the Contractor intends to begin excavation.

Attention is directed to Section 7-1.01E, "Trench Safety."

5-1.03 CONFORMITY WITH CONTRACT DOCUMENTS AND ALLOWABLE DEVIATIONS

Work and materials shall conform to the lines, grades, typical cross sections, dimensions and material requirements, including tolerances, shown on the plans or indicated in the specifications. Although measurement, sampling and testing may be considered evidence as to conformity, the Engineer shall be the sole judge as to whether the work or materials deviate from the plans and specifications, and the Engineer's decision as to any allowable deviations therefrom shall be final.

5-1.04 COORDINATION AND INTERPRETATION OF PLANS, STANDARD SPECIFICATIONS, AND SPECIAL PROVISIONS

These Standard Specifications, the Standard Plans, project plans, special provisions, contract change orders and all supplementary documents are essential parts of the contract, and a requirement occurring in one is as binding as though occurring in all. They are intended to be complementary, and to describe and provide for a complete work.

Project plans shall govern over Standard Plans; Standard Plans and project plans shall govern over these Standard Specifications; and the special provisions shall govern over both these Standard Specifications and the plans.

Should it appear that the work to be done or any of the matters relative thereto are not sufficiently detailed or explained in these specifications, the special provisions or the plans, the Contractor shall apply to the Engineer for such further explanations as may be necessary and shall conform to them as part of the contract. In the event of any doubt or question arising respecting the true meaning of these

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Caltrans

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

**NOTICE TO BIDDERS
AND
SPECIAL PROVISIONS**

**FOR CONSTRUCTION ON STATE HIGHWAY IN TRINITY COUNTY NEAR
SALYER FROM 0.7 MILE TO 0.2 MILE WEST OF CAMPBELL RIDGE ROAD**

In District 02 On Route 299

Under

Bid book dated April 8, 2013

Standard Specifications dated 2006

Project Plans approved February 25, 2013

Standard Plans dated 2006

Identified by

Contract No. 02-2E3504

02-Tri-299-0.4/0.9

Project ID 0200000211

Federal-Aid Project

ACHSNH-P299(175)E

Electronic Advertising Contract

Bids open Tuesday, April 30, 2013
Dated April 8, 2013

OSD
IH

SPECIAL NOTICES

- Effective July 6, 2010, the Department will receive bids for projects in Districts 1 through 6, 9, and 10 at 1727 30th Street, Bidders' Exchange, MS 26, Sacramento, CA 95816. Refer to the Notice to Bidders for this project's bid opening date, time, and location.
- For federal-aid projects, the Department is modifying its DBE program.
- Refer to Section 8-1.07, "Liquidated Damages," of the Amendments to the Standard Specifications for your project-specific liquidated damages based on your total bid.
- See Section 2, "Bidding," of these special provisions regarding SSPC QP certification.
- The Department is providing an electronic Information Handout for this project. Refer to Section 2-1.03B, "Supplemental Project Information," in the Amendments to the Standard Specifications for the location of this information.
- The Department is allowing contractors to submit electronic payroll records to the District Labor Compliance Office. Refer to section titled "Electronic Submission of Payroll Records" under Section 5, "General," of these special provisions.

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Good Faith Efforts Submittal

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

If your DBE Commitment form shows that you have met the DBE goal or if you are required to submit the DBE Commitment form, you must also submit good faith efforts documentation within the specified time to protect your eligibility for award of the contract in the event the Department finds that the DBE goal has not been met.

Good faith efforts documentation must include the following information and supporting documents, as necessary:

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

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

2-1.03 SSPC QP CERTIFICATION PREAWARD QUALIFICATION

Submit proof of each required SSPC QP certification with your bid or fax it to (916) 227-6282 no later than 4:00 p.m. on the 2nd business day after bid opening. Failure to do so results in a nonresponsive bid.

2-1.04 OPT OUT OF PAYMENT ADJUSTMENTS FOR PRICE INDEX FLUCTUATIONS

You may opt out of the payment adjustments for price index fluctuations as specified in "Payment Adjustments for Price Index Fluctuations" of these special provisions. If you elect to opt out of the provisions of this specification, you must complete the "Opt Out of Payment Adjustments for Price Index Fluctuations" form. The completed form must be submitted with your bid.

SECTION 3 CONTRACT AWARD AND EXECUTION

3-1.01 SMALL BUSINESS PARTICIPATION REPORT

The Department has established an overall 25 percent small business participation goal. To determine if the goal is achieved, the Department is tracking small business participation on all contracts.

panel surfaces shall be free of visible cracks, pinholes, foreign inclusions, warping and wrinkles that can affect performance and serviceability.

MEASUREMENT AND PAYMENT

Furnishing signs (except for construction area signs) will be measured by the square foot and the quantity to be paid for will be the total area, in square feet, of the sign panel types installed in place.

The contract price paid per square foot for furnish sign of the types specified in the Engineer's estimate shall include full compensation for furnishing all labor, materials, tools, equipment, and incidentals, and for doing all the work involved in fabricating and furnishing the signs, including fastening hardware, as shown on the plans, as specified in the Standard Specifications and these special provisions, and as directed by the Engineer.

10-1.50 TIMBER LAGGING

Timber lagging shall conform to the details shown on the plans and the provisions in Sections 57, "Timber Structures," and 58, "Preservative Treatment of Lumber, Timber and Piling," of the Standard Specifications and these special provisions.

All timber members shall be preservative treated Douglas fir of the grades shown on the plans. Timber members shall be full sawn to the dimensions shown on the plans.

Preservative treatment shall conform to AWWA Use Category System: UC4B, Commodity Specification A, except that chromated copper arsenate shall not be used.

The high density virgin polyethylene (HDPE) shims placed between the lagging shall have ultraviolet inhibitors, shall be black in color and shall conform to the following:

Material Specifications

Property	Value	ASTM Designation
Melt Index	0.24	D 1238
Density	0.951	D 1505
Low Temperature	--	--
Brittleness	-60°C	D 746
Tensile Strength	25.5 Mpa	D 638

Timbers 4 inches thick or less shall be installed with a 1/2-inch gap between lagging members except where shown on the plans. Timbers greater than 4 inches thick shall be installed with a 1/2-inch gap between lagging members except where shown on the plans.

Full compensation for furnishing and installing the HDPE shims shall be considered as included in the contract price paid per thousand foot board measure for timber lagging and no additional compensation will be allowed therefor.

10.1.51 CLEAN AND PAINT STEEL SOLDIER PILING

Steel piling surfaces shall be cleaned and painted in conformance with the provisions in Sections 59-2, "Painting Structural Steel," and 91, "Paint," of the Standard Specifications and these special provisions. Limits of the steel piling surfaces to be dry blast cleaned and shop primed with the inorganic zinc coating shall be as shown on the plans.

Clean and paint steel soldier piling shall consist of dry blast cleaning and painting steel soldier piles with an inorganic zinc undercoat prior to pile installation and field painting with finish coats after pile installation and soldier pile wall excavation.

GENERAL

The following SSPC-QP certifications are required for this Contract:

1. SSPC-QP 1
2. AISC-420-10/SSPC-QP 3 (Enclosed Shop)

Prior to performing any painting or paint removal, the Contractor shall submit to the Engineer, in conformance with the provisions in Section 5-1.02, "Plans and Working Drawings," of the Standard Specifications, 3 copies of a separate Painting Quality Work Plan (PQWP) for each item of work for which painting or paint removal is to be performed. As a minimum, each PQWP shall include the following:

**R**
Brown CONSTRUCTION CO., INC.

GENERAL ENGINEERING CONTRACTOR Ⓐ

P.O. BOX 406 • WILLOW CREEK, CA 95573
OFFICE (530) 629-3702 • FAX (530) 629-2883
HOME (530) 629-2480HAZARDOUS SUBSTANCE
REMOVAL AND
REMEDIALATION DIVISION

May 16, 2013

Facsimile: (916)227-6282

Department of Transportation
Division of Engineering Services
Office Engineer, MS 43
1727 30th Street
Sacramento, CA 95816-804102-2E3504
02-Tri-299-0.4/0.9
B.O. 04/30/2013

Dear Mulissa Smith,

We sent you a letter of protest within the time limit you specified in your letter dated May 13, 2013 stating you found our bid non-responsive. As of now, we have not been contacted by you or anyone else in Cal Trans with further regard to this matter. As low bidder, we are looking forward to proceeding with the job and would like to get this resolved as soon as possible.

The front page of the Contract Special Provisions clearly states that the 2006 Specials would be used for this contract and thus that is the protocol we used. According to the 2006 Specials the certification that you referred to is not required in the time limit that you mentioned. However, we are hoping to resolve this situation quickly and are attaching a copy of the certification dated 4/29/13 that you are seeking.

Not once in our 24 years of bidding and contracting with Cal Trans have we submitted a bid that was considered non-responsive. We hope to continue our record of quality and cooperation. However should you proceed to award the job to the 2nd bidder we will have no option but to seek legal counsel.

Please contact us at (530)629-3702 or (707)845-7767 so that we can discuss and resolve this situation.

Sincerely,

Roger Brown
President
R. Brown Construction Company, Inc.Cc: Juan "John" Rodriguez, Construction Management Engineer, Cal Trans
John C. McMillan, Deputy Division Chief, Cal Trans
Brent Clements, District 2 Senior, Cal Trans

1912 - 2012
OFFICE ENGINEER
100 Years of Construction Engineering Excellence

02



Caltrans

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

**NOTICE TO BIDDERS
AND
SPECIAL PROVISIONS**

**FOR CONSTRUCTION ON STATE HIGHWAY IN TRINITY COUNTY NEAR
SALYER FROM 0.7 MILE TO 0.2 MILE WEST OF CAMPBELL RIDGE ROAD**

In District 02 On Route 299

Under

Bid book dated April 8, 2013

Project Plans approved February 25, 2013

Standard Specifications dated 2006

Standard Plans dated 2006

Identified by

Contract No. 02-2E3504

02-Tri-299-0.4/0.9

Project ID 0200000211

Federal-Aid Project

ACHSNH-P299(175)E

Electronic Advertising Contract

Bids open Tuesday, April 30, 2013

Dated April 8, 2013

OSD

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Certified Coating Company

of
Fairfield, CA
has met or exceeded the requirements set forth in the
SSPC Painting Contractor Certification Program for

FIELD APPLICATION OF COATINGS COMPLEX STRUCTURES SSPC-QP1



Stephen P. Collins

President, SSPC

March 31, 2013 – March 31, 2014

Validation Period

May 16 2013 04:41pm
R. BROWN CONSTRUCTION
CERTIFIED COATINGS

PAGE 04/04
PAGE 03/04

Received
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9256717036

05/16/2013 16:27
04/29/2013 22:05



Certified Coating Company

of
Fairfield, CA

*has met or exceeded the requirements set forth in the
SSPC Painting Contractor Certification Program for*

INDUSTRIAL HAZARDOUS PAINT REMOVAL SSPC-QP2

"A"
Category

Stephen P. Collins
President, SSPC

March 31, 2013 - March 31, 2014
Validation Period



DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 30th STREET
P. O. BOX 168041
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6280
FAX (916) 227-6282
TTY 711



*Flex your power!
Be energy efficient!*

May 13, 2013

Facsimile: (530) 629-2863

Roger Brown, President
R. Brown Construction Company, Inc.
P.O. Box 406
Willow Creek, CA 95573

02-2E3504
02-Tri-299-0.4/0.9
B.O. 04/30/2013

Dear Mr. Brown:

The Department of Transportation (Caltrans) received a bid submitted by R. Brown Construction Company, Inc. (R. Brown) for Contract 02-2E3504 on April 30, 2013. By this letter, Caltrans notifies R. Brown that its bid is nonresponsive since R. Brown did not comply with the Contract Standard Specifications Section 2-1.35 SSPC QP Certification Pre-award Qualification, which states in part: "Submit proof of each required SSPC QP certification with your bid or fax it to (916) 227-6282 no later than 4:00 p.m. on the 2nd business day after bid opening. Failure to do so results in a nonresponsive bid".

R. Brown failed to submit the SSPC QP certification by 4:00 p.m. on the 2nd business day after bid opening.

Based on the above action, Caltrans will proceed to award the contract to the lowest responsible bidder provided all requirements are met.

Your attention is directed to Section 3-1.02 of the Amendments to the 2006 Standard Specifications. Caltrans is not obligated to offer an extension of the award period for a nonresponsive bid. Should you wish to offer to extend your bid while resolving a nonresponsive finding, you must send your request to the Office Engineer no later than 4:00 pm two business days prior to the expiration of your bid.

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

Sincerely,

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

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

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

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

May 13 2013 04:35pm

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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) 227-6280
 FAX (916) 227-6282
 TTY 711



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May 13, 2013

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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

Jul 19 2013 03:42pm

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STATE OF CALIFORNIA—BUSINESS, LABOR, INDUSTRIAL AND BUSINESS AFFAIRS

EDMUND G. BROWN JR., Governor

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 30th STREET
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