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April 27, 2015

VIA U.S. MAIL and EMAIL - John.McMillan@dot.ca.gov

John McMillan
Office Engineer
State of California, Department of Transportation
1727 30th Street, MSC43
Sacramento, California 95816

Re: *Response to J.F. Shea bid protest of contract award on Contract Number
02-3E7714*
Our File No. 3216-000

Dear Mr. McMillan:

I am writing on behalf of my client, Mercer-Fraser Company ("Mercer-Fraser"), in response to the April 15, 2015 protest filed by J.F. Shea Construction, Inc. ("Shea") against the award of Contract No. 02-3E7714 to Mercer-Fraser. Shea has not identified any grounds on which the California Department of Transportation ("CalTrans") is required to reject Mercer-Fraser's bid. Because Shea identifies no material deviations, and because Mercer-Fraser submitted the lowest bid by a responsible bidder, Mercer-Fraser requests that CalTrans deny the protest and proceed with award to Mercer-Fraser.

A bid is responsive if it promises to do what the solicitation requires. See *Valley Crest Landscape, Inc. v. City of Davis*, 41 Cal. App. 4th 1432, 1438 (1996). If a bid contains an **immaterial** deviation from what the solicitation requires, *i.e.* a deviation that could not have affected the amount of the bid or given the bidder an advantage or benefit not allowed other bidders, then CalTrans has the discretion to waive the deviation. See *MCM Construction, Inc. v. City and County of San Francisco*, 66 Cal. App. 4th 359, 374 (1998) (finding that a public entity has discretion to waive an immaterial deviation). As one court explained:

"A basic rule of competitive bidding is that bids must conform to specifications, and that if a bid does not so conform, it may not be accepted. [Citations.] However, it is further well established that a bid which substantially conforms to a call for bids may, though it is not strictly responsive, be accepted *if the variance cannot have affected the amount of the bid or given a bidder an advantage or benefit not allowed other bidders* or, in other words, if the variance is inconsequential. . . ."

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Konica Business Machs. U.S.A., Inc. v. Regents of Univ. of Cal., 206 Cal. App. 3d 449, 454 (1988) (italics in original).

Shea argues that Mercer-Fraser did not complete three items on CalTrans' recently-revised DBE Commitment form. Specifically, Shea argues that Mercer-Fraser did not identify the total number of subcontracts, the total value of those subcontracts, and the "work category codes." As Mercer-Fraser understands the requested information, it is available in or understandable from information actually in Mercer-Fraser's bid, so any failure to provide the information **on the form** gave Mercer-Fraser no advantage.

Mercer-Fraser listed its subcontractors in its bid, as required by the Subletting and Subcontracting Fair Practices Act ("Act"). Mercer-Fraser understands the DBE Commitment form to request the number of subcontractors required to be listed under the Act, but not to require information such as materials suppliers (who are not subcontractors) or lower-tier subcontractors (who are not Mercer-Fraser's subcontractors).¹ Determining the number of subcontracts requires only adding the number of subcontractors (9) listed under the Act or separately on the "DBE Good Faith Efforts Documentation."

With respect to "work category codes," the listing of DBEs under the Act and in the DBE Commitment form each identifies the "portion" of work that the DBE will perform. Mercer-Fraser also attached the DBE bids and specified the exact bid items that each DBE would perform, as required. From those descriptions of work, CalTrans can determine the work category codes for the listed DBEs as well as, if not better than, any bidder could determine that information. That is, the work category codes can be confusing, and many DBEs do not accurately or completely identify the work category codes that they can perform on the UCP website. Given CalTrans' experience with the codes, CalTrans may be better able than bidders or the DBEs themselves to accurately identify the appropriate code from a description of the work.

For example, Northern Industrial Electric identifies itself as performing E4910 (electric services) and C0686 (electrical and signals supplier), but does not identify itself as performing C8602 (signal & lighting), C8603 (signal) or C8604 (lighting). **Exhibit A** hereto. C8602 through C8604 are within the NAICS code for which Northern Industrial is approved (238210) and appear to be work that it is capable of performing and would be performing, at least in part, for all bidders on this project. However, E4910 – identifying "establishments engaged in the generation, transmission, and/or distribution of electric energy for sale" – and C0686 –for the sale and distribution of electrical construction materials and supplies – are under NAICS codes for which Northern Industrial is not approved by CalTrans. Exhibit A (containing Northern Industrial's

¹ If the form requires different information, then Mercer-Fraser respectfully requests that CalTrans' intent be clarified in and for future procurements.

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approved NAICS codes); **Exhibit B** hereto (work code descriptions). Notwithstanding that fact, Shea identified Northern Industrial on the form in question as a generator or distributor of power. **Exhibit C** hereto. Tullis also listed Northern Industrial for the same work items as Shea, but identified Northern Industrial under work code C0686 as a supplier of electrical materials. **Exhibit D** hereto.

Mercer-Fraser's lack of work category codes leaves CalTrans in no materially different position than the other bidders' identification of erroneous work category codes. The work category codes provide CalTrans with no accurate information beyond the information provided by more specific descriptions of the work to be performed by each DBE. Thus, the lack of the codes does not give Mercer-Fraser any advantage over any other bidder. In either case, the critical information of identifying the work that the listed DBE will perform on the project is contained in the bid, so the deficiency should be waived as an immaterial deviation.

Finally, the value of the subcontracts can be determined by multiplying Mercer-Fraser's bid item amounts for each item of work subcontracted by the percentage of the work subcontracted. Here, that total is \$1,260,039.

Because all of the information that was not provided on the form can be derived from Mercer-Fraser's bid, so that Mercer-Fraser had no advantage from not including the information on the form, CalTrans can waive the deviation. In fact, waiver of the deviation is consistent with CalTrans' actions in other cases, in which it has awarded contracts to bidders that have omitted similar information from the form. See, e.g., Contract No. 04-259404 (awarded to Ghilotti Bros. on March 17, 2015 although it did not submit the updated DBE Commitment form, so did not submit information on the number of subcontractors, total subcontract amount, or work category codes); Contract No. 09-335004 (awarded to Papich Construction on March 9, 2015, also absent the updated DBE Commitment form); see also low bid on Contract No. 10-0Y9104 (Teichert Construction proposal missing the same information) (combined excerpts at **Exhibit E** hereto). As the *MCM* case recognized:

It certainly would amount to a disservice to the public if a losing bidder were to be permitted to comb through the bid proposal . . . 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. Such construction would be adverse to the best interests of the public and contrary to public policy.

MCM, 66 Cal. App. 4th at 370 (internal quote marks omitted). Given the price advantage to CalTrans from accepting Mercer-Fraser's bid, we request that CalTrans waive Mercer-Fraser's oversight and accept its bid.

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Thank you for your consideration of these matters.

Very truly yours,

DIEPENBROCK ELKIN LLP

A handwritten signature in black ink, appearing to read 'JLD', with a long horizontal flourish extending to the right.

Jennifer L. Dauer

JLD/sa

cc: Charlie Anderson (via e-mail)

Exhibit A

[Back To Query Form](#)

Search Returned 1 Records

Thu Apr 23 21:38:58 PDT 2015

Query Criteria

Firm/DBA Name: northern industrial

Firm Type: DBE

Firm ID	34396
Firm/DBA Name	NORTHERN INDUSTRIAL ELECTRIC
Address Line1	2435 RADIO LANE
Address Line2	
City	REDDING
State	CA
Zip Code1	96001
Zip Code2	3810
Mailing Address Line1	2435 RADIO LANE
Mailing Address Line2	
Mailing City	REDDING
Mailing State	CA
Mailing Zip Code1	96001
Mailing Zip Code2	3810
Certification Type	DBE
E-Mail	nie01@sbcglobal.net
Contact Name	DORI CRAMER
Area Code	(530)
Phone Number	246-2366
Fax Area Code	(530)
Fax Phone Number	246-2368
Agency Name	DEPARTMENT OF TRANSPORTATION
Counties	04; 06; 08; 11; 12; 18; 23; 25; 32; 45; 46; 47; 52; 53;
Districts	01; 02; 03;
DBE NAICS	238210;

ACDBE NAICS

Work Codes	C0686 ELECTRICAL & SIGNALS SUPPLIER; C9858 RESIDENTIAL ELECTRICAL; E4910 ELECTRIC SERVICES;
Licenses	A General Engineering Contractor; B General Building Contractor; C10 Electrical Contractor;
Trucks	
Gender	F
Ethnicity	CAUCASIAN
Firm Type	DBE

[Back To Query Form](#)

Exhibit B

Work Code	Category	Description	License Requirement	NAICS Code(s)
C0670	PIPE SUPPLIER	This industry comprises establishments primarily engaged in the sale & distribution of products of the primary metals industries. Service centers maintain inventory and may perform functions, such as sawing, shearing, bending, leveling, cleaning, or edging, on a custom basis as part of sales transactions.	NO LICENSE REQUIRED - However to get credit as a regular dealer, must possess a warehouse and have inventory (not just a token location or minimal inventory, catalogue) and be open to public, both within and outside the context of the DBE program.	423510 - Metal Service Centers and Other Metal Merchant Wholesalers
C0671	DRAINAGE SYSTEMS SUPPLIER	This industry comprises establishments primarily engaged in the sale & distribution of drain pipes, storm drain pipes, gravity sewerage pipes, highway drains, bridge drains, curb drains.	NO LICENSE REQUIRED - However to get credit as a regular dealer, must possess a warehouse and have inventory (not just a token location or minimal inventory, catalogue) and be open to public, both within and outside the context of the DBE program.	423990 - Other Miscellaneous Durable Goods Merchant Wholesalers
C0672	STORM WATER SYSTEMS SUPPLIER	This industry comprises establishments primarily engaged in the sale & distribution of filtration systems, volumetric separation systems, screening products, catch basin inserts, hydrodynamic systems,	NO LICENSE REQUIRED - However to get credit as a regular dealer, must possess a warehouse and have inventory (not just a token location or minimal inventory, catalogue) and be open to public, both within and outside the context of the DBE program.	423990 - Other Miscellaneous Durable Goods Merchant Wholesalers
C0680	FENCING SUPPLIER	This industry comprises establishments (except those known as home centers, paint and wallpaper stores, and hardware stores) primarily engaged in retailing specialized lines of new building materials, such as lumber, fencing, glass, doors, plumbing fixtures and supplies, electrical supplies, prefabricated buildings and kits, and kitchen and bath cabinets and countertops to be	NO LICENSE REQUIRED - However to get credit as a regular dealer, must possess a warehouse and have inventory (not just a token location or minimal inventory, catalogue) and be open to public, both within and outside the context of the DBE program.	444190 - Other Building Material Dealers
C0683	GUARD RAILING & BARRIERS SUPPLIER	This industry comprises establishments primarily engaged in the sale & distribution of galvanized steel guard rails, railings, barriers, accessories and systems, to improve the safety of highway and other sites.	NO LICENSE REQUIRED - However to get credit as a regular dealer, must possess a warehouse and have inventory (not just a token location or minimal inventory, catalogue) and be open to public, both within and outside the context of the DBE program.	423510 - Metal Service Centers and Other Metal Merchant Wholesalers
C0685	PAVEMENT MARKERS SUPPLIER	This industry comprises establishments primarily engaged in the sale & distribution of pavement markers of various types and colors	NO LICENSE REQUIRED - However to get credit as a regular dealer, must possess a warehouse and have inventory (not just a token location or minimal inventory, catalogue) and be open to public, both within and outside the context of the DBE program.	423990 - Other Miscellaneous Durable Goods Merchant Wholesalers
C0686	ELECTRICAL & SIGNALS SUPPLIER	This industry comprises establishments primarily engaged in the sale & distribution of electrical construction materials; wiring supplies; electric light fixtures; light bulbs; and/or electrical power equipment for the generation, transmission, distribution, or control of electric energy.	NO LICENSE REQUIRED - However to get credit as a regular dealer, must possess a warehouse and have inventory (not just a token location or minimal inventory, catalogue) and be open to public, both within and outside the context of the DBE program.	423610 - Electrical Apparatus and Equipment, Wiring Supplies, and Related Equipment Merchant Wholesalers
C0687	GLASS & GLASS BLOCK SUPPLIER	This industry comprises establishments (except those known as home centers, paint and wallpaper stores, and hardware stores) primarily engaged in retailing specialized lines of new building materials, such as lumber, fencing, glass, doors, plumbing fixtures and supplies, electrical supplies, prefabricated buildings and kits, and kitchen and bath cabinets and countertops to be	NO LICENSE REQUIRED - However to get credit as a regular dealer, must possess a warehouse and have inventory (not just a token location or minimal inventory, catalogue) and be open to public, both within and outside the context of the DBE program.	444190 - Other Building Material Dealers
C0698	BUILDING MATERIAL SUPPLIER	This industry comprises establishments (except those known as home centers, paint and wallpaper stores, and hardware stores) primarily engaged in retailing specialized lines of new building materials, such as lumber, fencing, glass, doors, plumbing fixtures and supplies, electrical supplies, prefabricated buildings and kits, and kitchen and bath cabinets and countertops to be	NO LICENSE REQUIRED - However to get credit as a regular dealer, must possess a warehouse and have inventory (not just a token location or minimal inventory, catalogue) and be open to public, both within and outside the context of the DBE program.	444110 - Building Material and Supplies Dealer
C0699	TOOLS SUPPLIER	This industry comprises establishments (except those known as home centers, paint and wallpaper stores, and hardware stores) primarily engaged in retailing specialized lines of new building materials, such as lumber, fencing, glass, doors, plumbing fixtures and supplies, electrical supplies, prefabricated buildings and kits, and kitchen and bath cabinets and countertops to be	NO LICENSE REQUIRED - However to get credit as a regular dealer, must possess a warehouse and have inventory (not just a token location or minimal inventory, catalogue) and be open to public, both within and outside the context of the DBE program.	444190 - Other Building Material Dealers 444110 - Building Material and Supplies Dealer

Work Code	Category	Description	License Requirement	NAICS Code(s)
C8100	Synthetic Product Installation	A synthetic products contractor installs: sythetic counter tops and wall covering; fiberglass, plastic, vinyl and epoxy products; plastic tile board and decorative art work; and sythetic turf; Bathtub and enamel refinishing, resina nd epoxy application, and sythetic cauking and sealants, reservior liners, vinyl swimming pool relining; pier piling wrap and rodent guards; PVC piping systems for irrigation and drainage; subsurface irrigation drip systems.	D12-Synthetic Products	238990-All Other Specialty Trade Contractors
MONUMENTS				
C8101	SURVEY OR HISTORICAL MONUMENT	Constructing cast-in-place portland cement concrete survey monuments at the locations shown on the plans or directed by the Engineer.	C-8 Concrete Contractor - CSLB	712120 Historical Sites
MARKERS AND DELINEATORS				
C8201	OBJECT MARKER	Furnishing and installing markers and delineators.	C-32 Parking & Highway Improvement Contractor - CSLB	238990 All Other Specialty Trade Contractors
RAILING AND BARRIER				
C8320	METAL BEAM GUARD RAILING	Railing at the side of a road as a safety barrier, consisting of a horizontal bar and supports.	C-13 Fencing OR C-32 Parking & Highway Improvement Contractor- CSLB	238990 All Other Specialty Trade Contractors
C8330	METAL RAILING	A fence or barrier that consists of rails supported by posts.	C-13 Fencing OR C-32 Parking & Highway Improvement Contractor- CSLB	238990 All Other Specialty Trade Contractors
C8331	CONCRETE BARRIER	Divides multiple lanes on the highway also known as K-rail.	C-8 Concrete Contractor - CSLB	238110 - Poured Concrete Foundation and Structure Contractors 238120 - Structural Steel and Precast Concrete Contractors
C8391	METAL BEAM BARRIER	Generally used for freeway or highway median applications and can be installed with either wood or steel posts.	C-13 Fencing OR C-32 Parking & Highway Improvement Contractor - CSLB	238990 All Other Specialty Trade Contractors 237310 Highway, Street, and Bridge Construction
TRAFFIC STRIPES AND PAVEMENT MARKING				
C8405	THERMOPLASTIC TRAFFIC STRIPING & MARKING	Furnishing and applying thermoplastic traffic stripes and pavement markings, including glass beads.	C-32 Parking & Highway Improvement Contractor- CSLB	237310-Highway, Street and Bridge Construction
C8406	PAINTED TRAFFIC STRIPING & MARKING	Applying traffic stripes and pavement markings,	C-32 Parking & Highway Improvement Contractor- CSLB	237310-Highway, Street and Bridge Construction
PAVEMENT MARKER				
C8501	PAVEMENT MARKING	Furnishing and placing pavement markers and constructing pavement recesses.	C-32 Parking & Highway Improvement Contractor- CSLB	237310 Highway, Street, and Bridge Construction 238990 All Other Specialty Trade Contractors
SIGNAL AND LIGHTING				
C8602	SIGNAL & LIGHTING	Furnishing and installing, modifying or removing one or more traffic signals, traffic signal master controller assemblies and interconnection facilities, ramp metering systems, flashing beacon systems, lighting systems, sign illumination systems, traffic monitoring stations.	C-10 Electrical Contractor-CSLB	238210-Electrical Contractors
C8603	SIGNAL	Installation of signals.	C-10 Electrical Contractor- CSLB	238210-Electrical Contractors
C8604	LIGHTING	Installation of street lights.	C-10 Electrical Contractor- CSLB	238210-Electrical Contractors

Work Code	Category	Description	License Requirement	NAICS Code(s)
C8605	MESSAGE SIGNS, LIGHTING & SIGN ILLUMINATION	This industry comprises establishments primarily engaged in installing and servicing electrical wiring and equipment. Electrical contractors included in this industry may include both the parts and labor when performing work. Electrical contractors may perform new work, additions, alterations, maintenance, and repairs.	C-10 Electrical Contractor- CSLB	238210-Electrical Contractors
C8608	DETECTOR	Strategically placed along major roadways used to capture data for use in traffic studies.	NO LICENSE REQUIRED	561990 - All Other Support Services
C8609	TRAFFIC COUNT STATION	Count of traffic along a particular road, either done electronically or by people counting by the side of the road.	NO LICENSE REQUIRED	561990 - All Other Support Services
C8610	SPEED MONITORING STATION	A trailer mounted message sign or radar gun and computer that is powered by a generator or solar power, which determines, displays, and informs motorists of their vehicle speed in real-time and stores data for further analysis	NO LICENSE REQUIRED	561990 - All Other Support Services
C8611	RAMP METERING SYSTEM	Installed to restrict the total flow entering the freeway.	C-10 Electrical Contractor-CSLB	238210 - Electrical Contractors
CONSULTANTS, ARCHITECTS & ENGINEERS				
C8700	CONSULTANT, NON-ENGINEERING	Individual who renders professional consulting services complementing the architect or engineer's services.	NO LICENSE REQUIRED	541611-Administrative Management and General Management Consulting Services
C8701	BUSINESS ADMINISTRATION	Process of organizing people and resources efficiently so as to direct activities toward common goals and objectives.	NO LICENSE REQUIRED	561110-Office Administrative Services
C8702	MANAGEMENT INFORMATION SYSTEMS	Provides information needed to manage organizations effectively. Involves three primary resources: technology, information, and people.	NO LICENSE REQUIRED	541611 - Administrative Management & General Management Consulting Business
C8703	TRAFFIC ENGINEER	Branch of civil engineering that uses engineering techniques to achieve the safe and efficient movement of people and goods.	Professional Engineers and Land Surveyors (BPELS)	541330-Engineering Services
C8704	ARCHITECTURAL	Plan, design and observe the construction of projects.	DCA- California Architects Board	541310 Architectural Services
C8705	DESIGN	Plans, elevations, sections & other drawings necessary for a building or other structure. (Except Bridges)	Professional Engineers and Land Surveyors (BPELS)	541310 - Architectural Services 541330 - Engineering Services
C8706	DESIGN BRIDGES	Applies the physical laws and principles of engineering in the designing of bridges.	Professional Engineers and Land Surveyors (BPELS)	541330 - Engineering Services
C8707	FEASIBILITY STUDIES	Detailed investigation & analysis conducted to determine the financial, economic or technical advisability of a proposed project.	NO LICENSE REQUIRED	541611 - Administrative Management & General Management Consulting Business
C8710	ENGINEERING	Discipline, art, skill and profession of acquiring and applying scientific, mathematical, economic, social, and practical knowledge, in order to design and build structures, machines, devices, systems and materials.	Professional Engineers and Land Surveyors (BPELS)	541330-Engineering Services
C8711	COMPUTER	Firms engaged in writing, modifying, testing, installing and maintaining software and hardware to meet the needs of a particular customer.	NO LICENSE REQUIRED	541511 - Custom Computer Programming Services 541513 - Computer Facilities Management Services 541512 - Computer Systems Design Services
C8712	PUBLIC RELATIONS	Enhancing and maintaining the image for businesses, non-profit organizations, events or high-profile people.	NO LICENSE REQUIRED	541820-Public Relations Agencies
C8713	CONSULTANT, ENVIRONMENTAL	Provides advice and assistance to businesses and other organizations on environmental issues, such as the control of environmental contamination from pollutants, toxic substances, and hazardous materials.	NO LICENSE REQUIRED	541620 - Environmental Consulting Services

Work Code	Category	Description	License Requirement	NAICS Code(s)
		and Cruise Agents.	PREVAILING STATE LICENSING REQUIREMENT AS NECESSARY	488999 - All Other Support Activities for Transportation
				561599 - All Other Travel Arrangement and Reservation Services
E4730	FREIGHT TRANSPORTATION ARRANGEMENT	Establishments primarily engaged in furnishing shipping information and acting as agents in	NO LICENSE REQUIRED	488510 - Freight Transportation Arrangement
E4740	RENTAL OF RAILROAD CARS	Establishments primarily engaged in furnishing RAIL transportation EQUIPMENT.	NO LICENSE REQUIRED	488510 - Freight Transportation Arrangement
E4780	MISC TRANSPORTATION SERVICES	Establishments primarily engaged in furnishing transportation or services incidental to transportation, not elsewhere classified. Included in this industry are stockyards that do not buy, sell, or auction livestock; sleeping and dining car operations not performed by railroads; and horse-drawn cabs and carriages for hire.	NO LICENSE REQUIRED	488210 - Support Activities for Rail Transportation 532411 - Commercial Air, Rail, and Water Transportation Equipment Rental and Leasing 488991 - Packing and Crating 488390 - Other Support Activities for Water Transportation 488490 - Other Support Activities for Road Transportation 487110 - Scenic and Sightseeing Transportation, Land 488999 - All Other Support Activities for Transportation
E4790	BUS SERVICES - TRANSIT VEHICLE/QUALITY ASSURANCE INSPECTION	Establishments primarily engaged in operating local and suburban passenger transportation systems using buses or other motor vehicles over regular routes and on regular schedules within a metropolitan area and its adjacent nonurban areas.	NO LICENSE REQUIRED	485113 - Bus and Other Motor Vehicle Transit Systems
E. COMMUNICATIONS				
E4810	TELEPHONE COMMUNICATIONS	Establishments primarily engaged in furnishing telephone voice and data communications, except radiotelephone and telephone answering services. This industry also includes establishments primarily engaged in leasing telephone lines or other methods of telephone transmission, such as optical fiber lines and		517210 - Wired Telecommunications Carriers (except Satellite) 517911 - Telecommunications Resellers 517110 - Wired Telecommunications Carriers 517911 - Telecommunications Resellers
E4820	TELEGRAPH & OTHER & COMMUNICATIONS	Establishments primarily engaged in furnishing telegraph and other nonvocal message communications services, such as cablegram, electronic mail, and facsimile transmission services.		
E4830	RADIO & TELEVISION BROADCASTING	Establishments primarily engaged in broadcasting aural programs by radio to the public. Included in this industry are commercial, religious, educational, and other radio stations.		515111 - Radio Networks 515112 - Radio Stations 515120 - Television Broadcasting
E4840	CABLE & OTHER PAY TV SERVICES	Establishments primarily engaged in the dissemination of visual and textual television programs, on a subscription or fee basis. Included in this industry are establishments which are primarily engaged in cablecasting and		515210 - Cable and Other Subscription Programming 517110 - Wired Telecommunications Carriers
E4890	COMMUNICATIONS SERVICES, NEC	Establishments primarily engaged in furnishing communications services, not elsewhere classified.		517210 - Wired Telecommunications Carriers (except Satellite) 517410 - Satellite Telecommunications 517919 - All Other Telecommunications 812990 - All Other Personal Services
ELECTRIC, GAS AND SANITARY SERVICES				
E4910	ELECTRIC SERVICES	Establishments engaged in the generation, transmission, and/or distribution of electric energy for sale.		221111 - Hydroelectric Power Generation 221112 - Fossil Fuel Electric Power Generation 221113 - Nuclear Electric Power Generation 221119 - Other Electric Power Generation

Work Code	Category	Description	License Requirement	NAICS Code(s)
				221121 - Electric Bulk Power Transmission and Control 221122 - Electric Power Distribution
E4920	GAS PRODUCTION & DISTRIBUTION	Establishments engaged in both the transmission and distribution of natural gas for sale.		486210 - Pipeline Transportation of Natural Gas 221210 - Natural Gas Distribution
E4930	COMBINATION UTILITY SERVICES	Establishments primarily engaged in providing combinations of electric, gas, and other services		221210 - Natural Gas Distribution 221111 - Hydroelectric Power Generation 221112 - Fossil Fuel Electric Power Generation 221113 - Nuclear Electric Power Generation 221119 - Other Electric Power Generation 221121 - Electric Bulk Power Transmission and Control 221122 - Electric Power Distribution Generation
E4940	WATER SUPPLY	Establishments primarily engaged in distributing water for sale for domestic, commercial, and industrial use.		221310-Water Supply and Irrigation Systems
E4950	SANITARY SERVICES, NEC	Establishments primarily engaged in furnishing sanitary services, not elsewhere classified		
E4952	SEWERAGE SYSTEMS	Establishments primarily engaged in the collection and disposal of wastes conducted through a sewer system, including such treatment processes as may be provided.		221320-Sewage Treatment Facility
E4953	WASTE COLLECTION AND DISPOSAL	Establishments primarily engaged in the collection and disposal of refuse by processing or destruction or in the operation of incinerators, waste treatment plants, landfills, or other sites for disposal of such materials.		
E4954	HAZARDOUS WASTE COLLECTION AND DISPOSAL			562211 - Hazardous Waste Treatment and Disposal 562212 - Solid Waste Landfill 562213 - Solid Waste Combustors and Incinerators 562219 - Other Nonhazardous Waste Treatment and Disposal 562920 - Materials Recovery Facilities 562998 - All Other Miscellaneous Waste Management Services
E4955	WASTE MANAGEMENT CONSULTING SERVICES	Establishments primarily engaged in providing consulting services to business regarding waste disposal, including construction waste management, cost reduction analysis waste training and manuals, zero waste plans and implementations etc.	LEED	541611 - Administrative Management and General Management Consulting Services
E4960	STEAM & AIR-CONDITIONING SUPPLY	Establishments engaged in the production and/or distribution of steam and heated or cooled air for		221330 - Steam and Air-Conditioning Supply
E4970	IRRIGATION SYSTEMS			221310 - Water Supply and Irrigation Systems
F.	SUPPLIERS			
	(ALL OTHER EXCL. HIGHWAY CONSTRUCTION)			
DURABLE GOOD				

Exhibit C

Second Bidder

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
DBE - COMMITMENT
 DES-0E-0102.100 (REV 12/2014)

04-13-15 P05:25 RCVD

CONTRACT NO:	02-3E7714
BID AMOUNT:	9,674,441.00
BID OPENING DATE:	04/08/2015
BIDDER'S NAME:	J.F. Shea Construction, Inc.
DBE GOAL FROM CONTRACT %:	8 %
DBE PRIME CONTRACTOR CERTIFICATION ¹ :	TOTAL NUMBER OF ALL SUBCONTRACTS (DBE & NON-DBE) TOTAL VALUE OF ALL SUBCONTRACTS (DBE & NON-DBE)
	11 \$2,094,708.59

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 DBE ⁴ (Must be certified on the date bids are opened. Include California's certification no., DBE address, and phone number. Show 2nd and lower tier subcontractor.)	AMOUNT (\$)
112, 113, 114, 115	Maintain TMS, Lighting, Modify TMS, Modify RWIS	E4910	Northern Industrial Electric (1st Tier) 2435 Radio Lane * Redding, CA 96001 (530) 246-2309 * DBE # 34390	\$79,785.00
55, 56, 57, 58	Place HMA Dike Type A, D, E, F	C3940	A. C. Doh Co. (1st Tier) 2788 Venture Drive * Lincoln, CA 95648 (916) 652-0159 * DBE # CT 000210	\$18,593.75
46, 47	Erosion Control (Dryseed), Straw	C2030	M & B Environmental Landscapes, Inc. (1st Tier) 12192 Mac's Road * Redding, CA 96003 (530) 241-1418 * DBE # 030736	\$4,377.50
52P, 53P	Supply and Haul Oil	C0624 C9774	Dragon Material Transport (2nd Tier) P.O. Box 27800 * Fresno, CA 93729 (559) 351-8822 * DBE # 37444	\$835,560.00

Show all DBE firms being claimed for credit, regardless of tier. Attach written confirmation from each DBE shown stating that it will be participating in the contract to perform the specific work shown for the specific amount agreed to.

The names of the 1st tier DBE subcontractors and items of work must be consistent with the Subcontractor List (Pub Conf Code § 4100 et seq.)

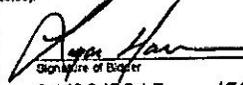
¹Each DBE prime contractor must enter its certification number and show all work to be performed by DBEs, including work performed by its own forces.

²If 100% of an item is not to be performed or furnished by the DBE, describe the exact portion of the item to be performed or furnished.

³Use Work Category Codes from the California Unified Certification Program database.

Total Claimed Participation	\$ 938,316.25
	9.69 %

The bidder acknowledges that it is committed to use the DBEs shown on this form to meet the contract goal (49 CFR 26.53).


 Signature of Bidder

04/09/2015 (530) 246-4292
 Date (Area Code) Tel. No.

Logan Hanson
 Person to Contact (Please Type or Print)

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information, call (816) 445-1233, TTY 711, or write to Records and Forms Management, 1120 N. State, MD-89, Des Moines, IA 50314.

Contract No. 02-3E7714

Exhibit D

Third Bidder

04-14-15 11:12 RCVD

CONTRACT NO:
 02-3E7714

BID AMOUNT:
 \$ 10,027,800.00

BID OPENING DATE:
 April 8, 2015

BIDDER'S NAME:
 Tullis, Inc.

DBE GOAL FROM CONTRACT %:
 8%

DBE PRIME CONTRACTOR CERTIFICATION ¹ :	TOTAL NUMBER OF ALL SUBCONTRACTS (DBE & NON-DBE)	TOTAL VALUE OF ALL SUBCONTRACTS (DBE & NON-DBE)
N/A	10	\$1,805,187.62

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 DBE: <small>(Must be certified on the date bids are opened. Include Caltrans' certification no., DBE address, and phone number. Show 2nd and lower tier subcontractors)</small>	AMOUNT (\$)
5 (Part)	Operated Pilot Car Rental	E4780	CB Pilot Service, #41561 1062 Eaton Rd., Chico, Ca. 95973 530/949-9960	\$67,680.00
55, 56, 57, 58	Place AC Dike (Type A, D, E, F)	C3940	AC Dike Co., #219 2788 Venture Dr., Lincoln, Ca. 95648 916/632-0159	\$18,593.75
46 & 47	Erosion Control (Dry Seed) & Straw	C2030	M&S Environmental, #30738 12192 Mac's Road, Redding, Ca. 96003 530/741-1418	\$4,223.00
52 (Part) & 53 (Part)	Haul HMA & OGFC (Material Trucking)	C9602 & CS774	Josh Arbito Trucking, #41019 21962 Lone Tree Rd., Anderson, Ca. 96007 530/355-8499	\$69,984.00

Show all DBE firms being claimed for credit, regardless of tier. Attach written confirmation from each DBE showing stating that it will be participating in the contract to perform the specific work shown for the specific amount agreed to.

Total Claimed Participation \$ See Next Page

The names of the 1st tier DBE subcontractors and items of work must be consistent with the Subcontractor List (Pub Cost Code § 4100 et seq.).

¹Each DBE prime contractor must enter its certification number and show all work to be performed by DBEs, including work performed by its own forces.

²If 100% of an item is not to be performed or furnished by the DBE, describe the exact portion of the item to be performed or furnished.

³Use Work Category Codes from the California Unified Certification Program database.

The bidder acknowledges that it is committed to use the DBEs shown on this form to meet the contract goal (49 CFR 26.53).

Signature of Bidder:

 Date: April 10, 2015 (530) 241-5105
 _____ (Area Code) Tel. No.
 Chris Brimahall
 Person to Contact (Please Type or Print)

CONTRACT NO:
 02-3E7714
 BID AMOUNT:
 \$ 10,027,800.00
 BID OPENING DATE:
 April 8, 2015
 BIDDER'S NAME:
 TuRIs, Inc.
 DBE GOAL FROM CONTRACT %:
 8%

DBE PRIME CONTRACTOR CERTIFICATION ¹ :	TOTAL NUMBER OF ALL SUBCONTRACTS (DBE & NON-DBE)	TOTAL VALUE OF ALL SUBCONTRACTS (DBE & NON-DBE)
N/A	10	\$1,805,187.82

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 DBE ⁴ (Must be certified on the date bids are opened. Include Caltrans' certification no., DBE address, and phone number. Show 2nd and lower tier subcontractors)	AMOUNT (\$)
57 (Part)	Supply & Haul HMA Binder	C0674	Oregon Material Transport, #37444 P.O. Box 27880, Fresno, Ca. 93729 559/351-8822	\$770,400.00
112, 113, 114, 115	Electrical Work	C0686	Northern Industrial Electric, #34396 2435 Parlo Lane, Redding, Ca. 96001 530/246-2366	\$79,785.00

Show all DBE firms being claimed for credit, regardless of tier. Attach written confirmation from each DBE shown stating that it will be participating in the contract to perform the specific work shown for the specific amount agreed to.

The names of the 1st tier DBE subcontractors and items of work must be consistent with the Subcontractor List (Pub Cont Code § 4100 et seq).

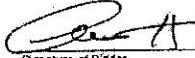
¹Each DBE prime contractor must enter its certification number and show all work to be performed by DBEs, including work performed by its own forces.

²If 100% of an item is not to be performed or furnished by the DBE, describe the exact portion of the item to be performed or furnished.

³Use Work Category Codes from the California Unified Certification Program database.

Total Claimed Participation	\$ 1,010,665.75
	10.08 %

The bidder acknowledges that it is committed to use the DBEs shown on this form to meet the contract goal (49 CFR 26.53).


 Signature of Bidder **CHRIS HANOUEY**
 J.P. TuRIs, Inc.

April 10, 2015 (530) 241-5105
 Date (Area Code) Tel. No.

Chris Brimahall
 Person to Contact (Please Type or Print)

Exhibit E

used wrong form

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
CALTRANS BIDDER - DBE - COMMITMENT
DES OE-0102 10C (NEW 06/2012)

Low Bidder

Awarded 3/17/15

This information may be submitted with your bid proposal. If it is not, and you are the apparent low bidder or the second or third low bidder, it must be submitted and received as specified in section 2 of the specifications. Failure to submit the required DBE information will be grounds for finding the bid nonresponsive.

CONTRACT NO. 04-2S9404

BID AMOUNT

\$ 9,797,777.00

BID OPENING DATE 02/18/15

BIDDER'S NAME

Ghilotti Bros., Inc.

DBE GOAL FROM CONTRACT, %: 12%

DBE PRIME CONTRACTOR CERTIFICATION¹: N/A

BID ITEM NO	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED ²	FOR CALTRANS USE ONLY	NAME OF DBEs (Must be certified on the date bids are opened - include Caltrans certification #, DBE address and phone number) (Indicate 2nd and lower tier subcontractors)	DOLLAR AMOUNT DBE ³
48 96 - 98	Sawcut AC/PCC Sawcut Pipe Crossings		Bay Line Cutting & Coring #21117 1635 Fourth Street Berkeley, CA 94710 510-527-1000	\$14,250.
77	Crack Treatment		Austin Enterprise #13602 PO Box 81926 Bakersfield, CA 93380 661-589-1001	\$27,912.

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

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

Submit to

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

Total Claimed Participation

\$ (see next page)


Signature of Bidder Thomas G. Barr, P.E./VP

02/19/15
Date

415-454-7011
(Area Code) Tel No

Renée Powers
Person to Contact

415-256-2217
(Please Type or Print)

Use wrong form

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

2-24-15P37:19 PCD

Awarded 3/9/15

Low Bidder

This information may be submitted with your bid proposal. If it is not, and you are the apparent low bidder or the second or third low bidder, it must be submitted and received as specified in section 2 of the specifications. Failure to submit the required DBE information will be grounds for finding the bid nonresponsive.

CONTRACT NO
09-335004

BID AMOUNT
\$ 5,799,999.00

BID OPENING DATE:
February 18, 2015

BIDDER'S NAME:
Papich Construction

DBE GOAL FROM CONTRACT, %:
6.0%

DBE PRIME CONTRACTOR CERTIFICATION¹

BID ITEM NO.	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED ²	FOR CALTRANS USE ONLY	NAME OF DBEs (Must be certified on the date bids are opened - include Caltrans certification #, DBE address and phone number) (Indicate 2nd and lower tier subcontractors)	DOLLAR AMOUNT DBE ³
3, 5, 8, 9, 12, 13, 23, 24, 25, 26, 27, 41, 48, 48	CAS, T3 Barricade, Delineator, Flashing Beacon, Wood Waste, Remove RSS & Delineators, Reseal RSS, Furnish Sign, RSS, and Delineator (Class 2)		KRC Safety Co., Inc #447 7821 W. Sunnyview Ave. Visalia, Ca 93291 (559) 732-0393	\$204,770.00
44,46	Anchored Double Wire Mesh System, Rock Dowel Kit		Water Components & Building Supply, Inc 44 Simms St., San Rafael, CA 94901 (415) 524-8290 #27363	\$189,084.48

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

Total Claimed Participation

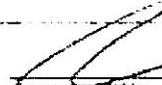
\$ 393,854.48

6.79 %

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

Submit to:

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


Signature of Bidder

2/20/15
Date

(559) 317-6511
(Area Code) Tel No

Stefani Zysling
Person to Contact

(Please Type or Print)

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Low Bidder

CONTRACT NO
10-0Y9104
 BID AMOUNT
\$2,119,070,070.00
 BIDDING DATE

3/18/2015
 BIDDER'S NAME
A. Teichert & Son Inc. dba Teichert Construction
 DBE GOAL FROM CONTRACT %
\$296,669.80

DBE PRIME CONTRACTOR CERTIFICATION TOTAL NUMBER OF ALL SUBCONTRACTS (DBE & NON-DBE) TOTAL VALUE OF ALL SUBCONTRACTS (DBE & NON-DBE)

DBE ITEM #	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUPPLIED/CONTRACTED OR MATERIALS TO BE PROVIDED	WORK CATEGORY CODES	NAME OF DBE (Must be certified on the date bid is opened. Include California certification no., DBE business and phone number. Show DBE and lower tier subcontractors)	AMOUNT (\$)
18	Purchase and Haul 1,050 Tons of PG 64-16 Oil for use in RHMA-G Superpave.		Black Diamond Asphalt Certification #: 22999 118 Main Street Vacaville, CA 95688 (707) 448-9402	\$324,737.44
13	Rent and Mobilize Shoulder backing Machine		A.C. Dike Co. Certification #: 219 2788 Venture Dr. Lincoln, CA 95648 (916) 652-0159	\$8,240.00
16	Cap Asphalt Dike			\$3,740.00

\$ 336,717.44

Total DBE Participation

15.8 %

Show all DBE firms being claimed for credit, regardless of tier. Attach written confirmation from each DBE shown stating that it will be participating in the contract to perform the specific work shown for the specific amount agreed to.

The names of the first tier DBE subcontractors and items of work must be consistent with the Administration List (Pub. Code Title 9, § 4101 et seq.)

Each DBE prime contractor must enter its certification number and show all work to be performed by DBEs, including work performed by its own forces.

If 100% of an item is not to be performed or furnished by the DBE, describe the exact portion of the item to be performed or furnished.

Use Work Category Codes from the California Unified Certification Program database.

The bidder acknowledges that it is committed to use the DBEs shown on this form to meet the contract goal (46 CFR 25.50).

Janez Seliskar
 Signature of Awardee

Janez Seliskar, Chief Estimator, Fresno

559-813-3100

Date (Area Code) Tel. No.

Janez Seliskar
 Person to Contact

(Please Type or Print)

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