



General Building & Engineering Contractors
Post Office Box 1240, Mt. Shasta, CA 96067
(530) 926-4093 • Fax (530) 926-2118
CA Lic. #449510 A & B
www.shastaservices.com

TIMBERWORKS

April 29, 2013

John McMillan
California Department of Transportation
Office Engineer
1727 30th Street
Sacramento, CA 95816
Via FAX: (916) 227-6282

Re: Contract 02-4F1604, Request for Hearing and Protest of Non-Responsiveness Letter Issued by Caltrans on this Contract

Hello Mr. McMillan,

I am responding to Caltrans' letter of April 26, 2013, in which Caltrans notifies Timberworks of its determination that Timberworks' bid on contract 02-4F1604 was non-responsive. The grounds for finding our bid nonresponsive are contained in the following two excerpts from that letter:

1. The last sentence of paragraph 1 states "By this letter, Caltrans notifies Timberworks that its bid is nonresponsive because the bid items in column 2 of the Subcontractor List form are not consistent with the description of subcontracted work in column 4 on the 24-hour submission of the form."
2. The last two sentences of paragraph 3 state "The bid item numbers listed in column 2 are not consistent with the description of work in column 4 of the Subcontractor List form. The inclusion of the bid item numbers on the 24-hour submission of the Subcontractor List constitutes an improper change to the Subcontractor List form."

The reason that I believe Caltrans' determination of non-responsiveness is incorrect is that the bid items listed on the 24-hour submission of the Subcontractor List form are consistent with the descriptions in column 4. I will explain why this is so below.

Explanation of Trucking in Bid Items 9 and 13

Bid Item 9 covers the Sand Cover Seal work that is part of the chip sealing process. After the asphalt rubber binder and rock has been put down, another layer of oil and sand is deposited on top of that to finish off the road. The sand that is spread into the oil has to get to the jobsite somehow. It must be trucked from the quarry where it is produced to the jobsite. Roll N Rock will be doing the trucking of the sand from the quarry to the jobsite. Roll N Rock is performing

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trucking and that work is part of the cost of the Sand Cover Seal and, consequently, part of that bid item.

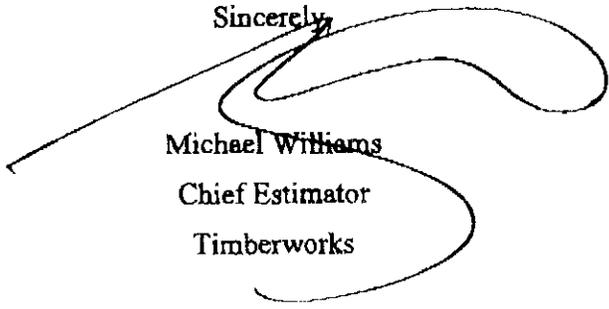
The same situation exists with bid item 13, Replace Asphalt Concrete Surfacing. Bid item 13 requires the contractor to remove the existing asphalt and get rid of it in an approved manner. The existing asphalt that is removed must be trucked from the jobsite to the approved disposal site. Roll N Rock will be doing the trucking of the asphalt from the jobsite to the disposal site.

We are required to list all our DVBE subcontractors on the Subcontractor List form. That form then requires us to describe the work they will be doing. Once a subcontractor is listed on the Subcontractor List form and their work is described in column 4, we are also required to assign a bid item number to that work. Timberworks chose the only pertinent bid item number for the trucking work.

We are truly mystified at this finding of non-responsiveness. We have no idea what Caltrans wants us to do in this case and we are frustrated at the lack of guidance provided other than a finding of non-responsiveness.

We request a hearing at which this issue can be heard.

Sincerely,



Michael Williams
Chief Estimator
Timberworks

encl: Copy of Subcontractor List form at time of bid submission and 24-hour submission of Subcontractor List form

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
 DEC-05-01022 (REV 3/2011)

Bidder Name: Timberworks

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) 227-8282 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
Appystone Anderson, CA			STRIPING, MARKERS.
Roll N Lock const. shasta, CA			TRAFFIC CONTROL, TRUCKING SWEEPING.
highway specicity PALO CEDRO, CA			GAS
Jeni Oland, CA			lead compliance plan WPCP
Titan Durbe Redding, CA			PCMS

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DH

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
 DIS-CR-0782.2 (REV 07/81)

Bidder Name: Timberworks

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) 227-8282 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: Bidder Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
Apply-A-Line 19652 N. Hirsch Ct. Anderson, CA	7 14-17	95 95	striping, Markers
Roll N Rock 825 Dietz Mt. Shasta, CA	3 13 13 9	10 4 4 17	Traffic Control, Trucking, Sweeping Trucking
Highway Specialty Co. POB 141 Palo Cedro, CA	2	95	Construction Area Signs
Global Environmental Network Inc (GENI) 8390 Capwell Drive Oakland, CA	1 6	95 95	Lead Compliance Plan WPCP
Titan DVBE POB 492336 Redding, CA	4	19	Portable changeable Message Sign

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