



www.rmcpave.com

Rocky Mountain Construction

4815 Tingley Lane #A
Klamath Falls, OR 97603
PHONE: (541) 882-8377
FAX: (541) 884-3567
OR CCB #124715
CA CCB #985090

March 10th, 2015

TO: Office Engineer
State of California – Department of Transportation
1727 30th Street, MS-43
Sacramento, CA 95816
Fax: 916-227-6282

RE: **Contract #02-4G3404 – Bid Protest**

Office Engineer,

Rocky Mountain Construction is protesting the low bidder (Eagle Peak Rock & Paving) on Contract #02-4G3404 for the following reasons:

- Eagle Peak Rock & Paving submitted the Certified DVBE Summary listing both D&E Traffic Solutions and Sapper West (attachment A). Neither of those companies were listed on the Subcontractor List (attachment B).
- D&E Traffic Solutions was listed to perform work on the Certified DVBE Summary in the total amount of \$83,500.00 on Item #2 Construction Signs, Item #3 Traffic Control System, and Item #4 Portable Message Signs. Since the Subcontractor List did not show any bid items or percentages listed for the three items, we cannot determine the exact amounts allocated to each item, but this amount is very significant and the Traffic Control System is inarguably subcontracted work that should have been shown on the Subcontractors List. This is consistent with the DVBE profile for D&E Traffic Solutions that includes their scope of work as traffic control, flagging, and pilot car (see Attachment C).
- Sapper West was listed to perform work on the Certified DVBE Summary in the total amount of \$3,470.00 on Item #1 Lead Compliance Plan, Item #5 Job Site Management, and Item #6 Prepare WPCP. Again the Subcontractor List did not show any bid items or percentages listed for the three items, so we cannot determine the exact amounts allocated to each item, but we do know that we also received the same quotation from Sapper West and their work is considered subcontracted work (see Attachment D).

In summary, the specifications Section 2-1.15B clearly state "List each 1st-tier subcontractor on the Subcontractor List form regardless of percentage of the total bid." This was not done. Therefore, we contend that Eagle Peak Rock & Paving should be declared non-responsive and the award should go to Rocky Mountain Construction.

Sincerely,


Ron Criss

Attachment A
1 of 4

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 02-4G3404 Project ID: 0213000107

In bid book

Bidder Name: Eagle Peak Rock & Paving

Bidder ID: VC0000017080

CERTIFIED DVBE SUMMARY

DES-OE-102.5 (REV 3/2008)

DISTRICT-COUNTY-ROUTE: 02-Mod-299-14.7/20.0

TOTAL BID: 1,993,958.00

BID OPENING DATE: 02-26-15

DVBE PRIME CONTRACTOR CERTIFICATION:

Low Bidder

Submit to:

MSC 43
Office Engineer
Department of Transportation
1727 30th Street
Sacramento, CA 95816-7005

Names of first tier DVBE subcontractors and their items of work listed must be consistent with the names and items of work in the Subcontractors List (Pub Cont Code ♦ 4100 et seq.) submitted with the bid. Identify second and lower tier subcontractors on this form.

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, of item to be performed or supplied by DVBE.

Total Claimed Participation \$ 69,750.00
% 4.00

Contact Person: Tony Cruse
(Type or Print)

(Area Code) Telephone Number: 530-233-4568

Signature of Bidder

Date

Attachment A
2 of 4

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 02-4G3404 Project ID: 0213000107

Bidder Name: Eagle Peak Rock & Paving

Bidder ID: VC0000017080

CERTIFIED DVBE SUMMARY

DES-OE-102.5 (REV 3/2008)

Bid Item Number:

2,3,4

Description of Work to Be Subcontracted to DVBE or Materials to be Supplied by DVBE:

Construction Signs, Traffic Control, Portable Changeable Message Signs
FOR CALTRANS USE ONLY

DVBE Name: D & E Traffic Solutions

DVBE Telephone Number: 228-224-0471

DVBE Certification Number: 1739526

\$Amount: 83,500.00

Bid Item Number:

1,5,6

Description of Work to Be Subcontracted to DVBE or Materials to be Supplied by DVBE:

Compliance Plan, Job Site Management, Water Pollution Control Program
FOR CALTRANS USE ONLY

DVBE Name: Sapper West

DVBE Telephone Number: 707-317-0002

DVBE Certification Number: 1390180

\$Amount: 3,470.00

Bid Item Number:

Description of Work to Be Subcontracted to DVBE or Materials to be Supplied by DVBE:

FOR CALTRANS USE ONLY

DVBE Name:

DVBE Telephone Number:

DVBE Certification Number:

\$Amount:

Bid Item Number:

Description of Work to Be Subcontracted to DVBE or Materials to be Supplied by DVBE:

FOR CALTRANS USE ONLY

DVBE Name:

DVBE Telephone Number:

DVBE Certification Number:

\$Amount:

Attachment A
3 of 4

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
Contract No.: 02-4G3404 Project ID: 0213000107
Bidder Name: Eagle Peak Rock & Paving
CERTIFIED DVBE SUMMARY
DES-OE-102.5 (REV 3/2008)

Bidder ID: VC0000017080

Bid Item Number:

Description of Work to Be Subcontracted to DVBE or Materials to be Supplied by DVBE:

FOR CALTRANS USE ONLY

DVBE Name:

DVBE Telephone Number:

DVBE Certification Number:

\$Amount:

Bid Item Number:

Description of Work to Be Subcontracted to DVBE or Materials to be Supplied by DVBE:

FOR CALTRANS USE ONLY

DVBE Name:

DVBE Telephone Number:

DVBE Certification Number:

\$Amount:

Bid Item Number:

Description of Work to Be Subcontracted to DVBE or Materials to be Supplied by DVBE:

FOR CALTRANS USE ONLY

DVBE Name:

DVBE Telephone Number:

DVBE Certification Number:

\$Amount:

Bid Item Number:

Description of Work to Be Subcontracted to DVBE or Materials to be Supplied by DVBE:

FOR CALTRANS USE ONLY

DVBE Name:

DVBE Telephone Number:

DVBE Certification Number:

\$Amount:

Attachment A
4 of 4

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 02-4G3404 Project ID: 0213000107

Bidder Name: Eagle Peak Rock & Paving

Bidder ID: VC0000017080

CERTIFIED DVBE SUMMARY

DES-OE-102.5 (REV 3/2008)

Bid Item Number:

Description of Work to Be Subcontracted to DVBE or Materials to be Supplied by DVBE:

FOR CALTRANS USE ONLY

DVBE Name:

DVBE Telephone Number:

DVBE Certification Number:

\$Amount:

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).

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 02-4G3404 Project ID: 0213000107

Bidder Name: Eagle Peak Rock & Paving

Bidder ID: VC0000017080

SUBCONTRACTOR LIST

DES-OE-0102.2B(REV 5/2014)

Bidding Firm: Eagle Peak Rock & Paving

Under Public Contract Code ♦ 4100 et seq., the Bidder must set forth in the bid the name, the location of the place of business, the California contractor license number, and the portion of work 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 ten thousand dollars (\$10,000), whichever is greater.

The Bidder must submit within 24 hours of the bid opening the bid item numbers with percentages of the portion of work subcontracted.

a Not required on contracts with Federal-Aid.

List this sub? Yes

- 1) Business Name Apply-A-Line
 Location City Anderson State CA
 California Contractor License Number (a) 562762
 Description of Portion of Work

Pavement Markings

Bid Item Numbers

20

Percentage of Bid Item Subcontracted

100

Bid Item Numbers

21

Percentage of Bid Item Subcontracted

100

Bid Item Numbers

Percentage of Bid Item Subcontracted

Bid Item Numbers

Percentage of Bid Item Subcontracted

Bid Item Numbers

Percentage of Bid Item Subcontracted

Attachment B

2 of 2

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
Contract No.: 02-4G3404 Project ID: 0213000107

Bidder Name: Eagle Peak Rock & Paving

Bidder ID: VC0000017080

List this sub? Yes

2) Business Name Pavement Recycling Systems
Location City Jurupa Valley State CA
California Contractor License Number (a) 569352
Description of Portion of Work

CIR Train and Additives

Bid Item Numbers

11

Percentage of Bid Item Subcontracted

60

Bid Item Numbers

12

Percentage of Bid Item Subcontracted

100

Bid Item Numbers

13

Percentage of Bid Item Subcontracted

100

Bid Item Numbers

14

Percentage of Bid Item Subcontracted

100

Bid Item Numbers

Percentage of Bid Item Subcontracted

Attachment C



Department of General Services

BUILDING GREEN BUYING GREEN WORKING GREEN

Welcome | Logout
Need assistance?
Contact us
or call 800-990-9339

D&E Traffic Solutions - #1739526

Supplier Profile

Legal Business Name D&E Traffic Solutions
Doing Business As D&E Traffic Solutions
Address PO Box 58 ALTURAS, CA 96101
Phone (228) 224-0471
FAX
Email cucmcb@yahoo.com
Business Types Service
Service Areas Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Imperial, Inyo, Kern, Kings, Lake, Lassen, Los Angeles, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Orange, Placer, Plumas, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Ventura, Yolo, Yuba,
Keywords Traffic control, flagging, pilot car
Classifications 461615 - Traffic control
721410 - Highway and road construction services

Active Certifications

Table with 4 columns: TYPE, STATUS, FROM, TO. Rows include SB (Micro) and DVBE with dates from 2012 to 2016.

Certification History

Table with 4 columns: TYPE, STATUS, FROM, TO

Attachment D

1 of 2



Certified DVBE, #1390180 (expires 08/31/15)
 Qualified SWPPP Developer (QSD), Certificate # 25137

CA License # 939685
 A, B, & C-31

1927 49th Street
 Sacramento, CA 95819

TEL: (707) 317-0002
 FAX: (707) 620-7000
 tanenson@sapperwest.com

Date: 26 FEB 15

Contract #: 02-4G3404 – COLD IN-PLACE RECYCLE AND PLACE HMA

Bid Date: 26 FEB 2015

Sapper West is pleased to provide the following contract pricing for the specified work scope items detailed in the subject contract solicitation:

Item No.	Item code	Item Description	Unit of Measure	Est Qty	Bid	Amount
1	070030	LEAD COMPLIANCE PLAN (SOIL)	LS	LS	\$1,225.00	\$1,225.00
1	070030	LEAD COMPLIANCE PLAN (GRINDING/COLD PLANING)	LS	LS	\$1,225.00	\$1,225.00
5	130100	JOB SITE MANAGEMENT - PARTIAL	LS	LS	\$1,650.00	\$1,650.00
6	130200	PREPARE WATER POLLUTION CONTROL PROGRAM	LS	LS	\$595.00	\$595.00

TERMS AND CONDITIONS:

1. This quote and attached terms and conditions must become a binding part of any sub-contract.
2. A contract and 10 working days notice must be given prior to start of work. This quote shall remain valid for 30 days from date of actual bid opening, unless otherwise agreed upon.
3. TERMS: Due and payable within 30 days from date of installation and/or as per Business and Professional code 7108.5 and Public contract code 10262.5 (for progress payments) and/or as per Public contract Code 7107 (for retention due).
4. All change orders must be approved by agency/owner prior to work being performed by Sapper West.
5. Excludes any insurance requirements in excess of Caltrans Standard Specifications. Additional insured and/or waiver of subrogation requests will be an added cost.
6. Splitting offered bid item quotes **may be considered**. Please call Tim Anenson at (707) 317-0002 to discuss splitting the bid item quotes prior to the Caltrans submittal deadline.

3470 Listed for DUBE

Attachment 10

2 of 2

CALTRANS PROJECT: 02-4G3404
BID DATE: 26 FEB 2015**ASSUMPTIONS:**

1. Job Site Management assumes a project duration of 30 days (field work), or 6 weeks of on-site field work.

6 weeks x \$275.00/week = \$1,650.00

This is a weekly rate for Sapper West to document required WPCP compliance by completing Caltrans forms 2030 and 2034 by a QSD/P. Sapper West will work with your field staff to assess site conditions each week; no site visits are included. Pre-, during and post-rain event site inspections are not included but will be billed at the Job Site Management rate if required.

2. No other plans, reports, monitoring or permits are included.
3. The WPCP and the LCPs include one (1) revision for the quoted bid. Additional revisions will be billed at \$125.00 per hour.
4. Print-ready electronic draft and final copies of plans and/or reports will be provided so hard copies can be produced; no hard copies will be provided by Sapper West.

Sapper West is a certified DVBE contractor (No. 1390180) with a number of associates that have supported Caltrans projects for many years. We have the necessary certified personnel to support your efforts on this project and we look forward to providing you our highest level of project support. Please don't hesitate to contact me directly at (707) 317-0002 or at tanenson@sapperwest.com if we can provide anything further.

My Very Best Regards,
SAPPER WEST

Tim Anenson, QSD, CPSWQ
Chief Operating Officer

FAX

Date:	03/10/2015
--------------	------------

Pages including cover sheet:	11
------------------------------	----

To:	+19162276282
Phone	
Fax Number	+19162276282

From:	Rocky Mountain
	Rocky Mountain Constructio
	4815 Tingley Lane #A
	Klamath Falls
	OR 97603
Phone	+1 (541) 882-8377
Fax Number	(541) 205-0691

NOTE:

02-4G3404 Bid Protest Letter