

**J.F.SHEA CONSTRUCTION, INC.**

License No. 769989 A  
P.O. Box 494519  
17400 Clear Creek Road  
Redding, California 96049-4519  
PHONE (530) 246-4292  
FAXCIMILE (530) 246-9940

DATE: May 1st, 2015

TO: John McMillan, Office Engineer  
State of California  
Department of Transportation  
1727 30<sup>th</sup> Street, MSC43  
Sacramento, California 95816

RE: Bid Protest:  
Contract No. 02-4G7304

Dear Mr. McMillan:

Please consider this letter to be a formal protest for the bid submitted by Myers and Sons Construction, LP on April 22<sup>nd</sup>, 2015 for the above mentioned contract.

Myers and Sons Construction, LP listed Mallard Construction Inc. on their subcontractor form, their Certified DVBE Summary and their Certified Small Business Listing for items 1, 3, 14, 15, 40, 41, 42 and 43. Which based on Mallard Constructions quote would equal a total dollar amount of \$45,605. However, the dollar amount listed by Myers and Sons Construction, for Mallard Construction on their DVBE summary and Small Business listing is \$57,605. In conclusion, Myers and Sons included in the dollar amount, but did not list on any of the paperwork an additional item #45 mobilization, for an additional \$12,000, therefore inflating the dollar amount represented by the DVBE/Small Business subcontractor Mallard Construction Inc.

With respect to Mallard Construction, Myers and Sons total claimed DVBE participation on their DVBE Summary should be \$47,505. Therefore, reducing their total claimed DVBE participation percentage from 3.52% to 2.81% and dropping them below the contract goal of 3%.

In Conclusion, the DES-OE-0102.5 (REV 3/2008) Certified DVBE Summary submitted by Myers and Sons Construction was filled out incorrectly and created a material difference in the bid. We hereby request that Caltrans consider Myers and Sons bid non-responsive and award the contract to J.F. Shea Construction, Inc. as the next responsive low bidder.

If you should have any questions please do not hesitate to call, (530) 246-4292

Sincerely,



**J.F.SHEA CONSTRUCTION, INC.**

Brock Kernaghan  
Estimator / Project Manager

Cc: Mrs. Stacy Dutra – Construction Secretary / Project file

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION  
Contract No.: 02-4G7304 Project ID: 0214000053  
Bidder Name: Myers and Sons Construction, LP  
DES-OE-0102.2B(REV 5/2014)

Bidder ID: VC0000106329

Bidding Firm: Myers and Sons Construction, LP

List this sub? Yes

1) Business Name Mallard Construction Inc.  
Location City Orange State CA  
California Contractor License Number 826607  
CA Department of Industrial Relations' Registration Number 1000007027  
Portion of Work Subcontracted:

Item %	Description
1 100	
3 6	Traffic Control for Mallard Construction work only
14 100	
15 100	
40 100	

List this sub? Yes

2) Business Name Mallard Construction Inc.  
Location City Orange State CA  
California Contractor License Number 826607  
CA Department of Industrial Relations' Registration Number 1000007027  
Portion of Work Subcontracted:

Item %	Description
41 100	
42 100	
43 100	

List this sub? Yes

3) Business Name Darren Taylor Construction, Inc.  
Location City Anderson State CA  
California Contractor License Number 903262  
CA Department of Industrial Relations' Registration Number 1000005101  
Portion of Work Subcontracted:

Item %	Description
3 7	Traffic Control for Darren Taylor work only
17 75	Remove Ashpalt Concrete Surfacing
19 88	Cold Plane Asphalt Concrete Pavement
27 100	
28 100	

# Second Bidder

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION

**CERTIFIED DVBE SUMMARY**

04-23-15 A09:07 IN

DES-OE-0102.5 (REV 3/2008)

DISTRICT-COUNTY-ROUTE: 02 - Shasta - 5, 44, 299

CONTRACT NO.: 02-467304

TOTAL BID: \$ 1,690,326.<sup>00</sup>

BID OPENING DATE: 4-22-15

BIDDER'S NAME: Myers and Sons Construction, LP

DVBE PRIME CONTRACTOR CERTIFICATION 1

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
1, 3, 14, 15, 40-43	LCP, Traffic Control for Marked Const. Work, Remove/Place Striping and Markers		Mallard Construction Inc. 714-785-5394 #1748928	\$ 57,605. <sup>00</sup>
44	Maintaining Existing Traffic Mgmt. Systems		Lec Contractors and Consultants, Inc. 805-423-2505 #1555980	\$ 1,900. <sup>00</sup>

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.

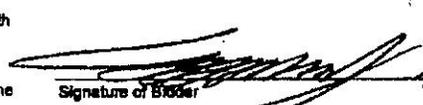
Total Claimed Participation	\$ 59,505. <sup>00</sup> 3.52 %
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1. DVBE prime contractors must enter their DVBE reference number or their DBA name as listed with Department of General Services (DVBE prime contractors are credited with 100 percent DVBE 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, of item to be performed or supplied by DVBE.

Submit to:

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

 4/29/15  
Signature of Bidder Date

(916) 283-9950  
Area Code Telephone Number

Joe Goehring  
Contact Person (Type or Print)

**ADA Notice**

For individuals with sensory disabilities, this document is available in alternate formats. For information, call (916) 854-6410, TTY 711, or write to Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.



# MALLARD CONSTRUCTION INC.

**A DVBE UNION CONTRACTOR - Laborers Local # 1184**

a SB/DVBE/SDVOSB Company DGS CERT # 1748928 CSLB # 826607 LIC CLASS B, C-31, C-32, D-06, D-38, D-42, D-64

638 W. Southern Ave. Orange CA. 92865  
Ph. (714) 785-5394 Fax (714) 974-1753  
E-MAIL: GARY@MALLARDINC.COM

Quote No: GR-1320

Agency: Caltrans

Addenda Noted:

DIR Number: 100007027

Project: Contract 02-4G7304 - Polyester Concrete and Hit Mix  
Asphalt Paving

Estimator: Gary Rivers

Bid Date: 4/22/2015

Email Address: [gary@mallardinc.com](mailto:gary@mallardinc.com)

Cell Phone 714-785-5394

Item	Item Description	Quantity	Unit	Unit Price	Extended Price
1	Lead Compliance Plan (For Non Hazardous Stripe Removals)	1	LS	\$ 1,500.00	\$ 1,500.00
3	Traffic Control System (For Mallard Forces Only)	1	LS	\$ 7,500.00	\$ 7,500.00
14	Remove Thermoplastic Traffic Stripe	5,140	LF	\$ 1.50	\$ 7,710.00
15	Remove Pavement Marker	230	EA	\$ 2.00	\$ 460.00
40	Thermoplastic Pavement Marking	120	SF	\$ 25.00	\$ 3,000.00
41	Thermoplastic Traffic Stripe (Sprayable)	14,100	LF	\$ 1.45	\$ 20,445.00
42	Pavement Marker (Retroreflective)	230	EA	\$ 5.00	\$ 1,150.00
43	Pavement Marker (Retroreflective-Recessed)	48	EA	\$ 80.00	\$ 3,840.00
45	Mobilization	1	LS	\$ 12,000.00	\$ 12,000.00
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
<b>BID TOTAL:</b>					<b>\$ 57,605.00</b>

### Project Terms & Conditions:

- A. A minimum of 15 working days prior notification is required for each move-in. Mallard Const. will not be impacted by Liquidated Damages assessed by the Contractor / Agency due to an inadequate amount of time to completed Mallard Construction Operations.
- B. The following materials and services are included in this quote: Thermoplastic [Yes], Paint [No], Markers [Yes], Traffic Signs-Striping Plans Only [No], Mast Arm Signs - To be Supplied Only [No], Thermo/ Paint removal [Yes], Marker removal [Yes], Temporary striping [No], Temp tab removal [No], Post "No Parking" Signs [No], Curb Painting [No], Channelizers [No]
- C. [ 1 ] Total move-ins included in this quote for permanent striping - Additional move in charge. \$5,950.00
- C. [ 1 ] Total move-ins included in this quote for Striping Removals. Additional move in charge. \$5,950.00
- D. Traffic control is included in this quote. Traffic control when included in this quote is only for Mallard Const. Operations.
- E. If General Contractor or any of its sub-contractors work within Mallard Const. traffic control, the expense will be shared accordingly at Mallard Const. discretion. No advance posting, signing, or CMS is included for Mallard Const. traffic control.
- F. Prime Contractor to provide us with a JOBSITE secure area for temporary storage of all hazardous stripe removal debris.
- G. Prime Contractor to provide disposal area & dispose of all non-hazardous stripe & marker debris. Disposal area to be on site.
- H. Pre-striping pavement preparation, including sweeping, concrete curing material removal are to be provided by others.
- I. If Bonding is required Please add 3% to the total bid price. A minimum price of \$ 400.00 will be required for all bonds.
- L. Contractor is responsible for markings of all sign & post installations. It's Contractor's responsibility to install & remove USA Markings.

Payment Terms:

04-23-15 A09:07 IN

# Second Bidder

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION

## CERTIFIED SMALL BUSINESS LISTING FOR THE NON-SMALL BUSINESS PREFERENCE

DES-OE-0102.8 (REV 2/2011)

**BIDDER NAME** Myers and Sons Construction, LP

**CONTRACT NO.** 02 - 4G7304

List the description of work, name, telephone number, certification number, and dollar amount of each certified small business who will be employed on this project. Failure to provide this information may be cause for denial of the non-small business subcontractor preference. Attach additional sheets if necessary.

Submit to:

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

Bid Item Number	Description of Work, Service, or Materials	Certified Small Business (Name, Telephone No., and Certification No.)	\$ Amount
1, 3, 14, 15, 40-43	LCP, Traffic Control for Mallard Const. work, Remove/Place Striping and Markers	Mallard Construction Inc. 714-785-5394 #1748928	\$57,605. <sup>00</sup>
44	Maintain Existing Traffic Mgmt. Systems	LCC Contractors and Consultants, Inc. 805-423-2505 #1535980	\$1,900. <sup>00</sup>
3, 17, 19, 27-29, 32	Traffic Control for Darren Taylor work, Remove AC, Cold Plane AC, Roadway Exc., HMA Type A, Tack Coat	Darren Taylor Construction, Inc. 530-378-2211 #54213	\$129,556. <sup>50</sup>
34	Sawcut for Approach Slabs	Austin Enterprise 661-589-1001 #13602	\$10,034. <sup>40</sup>

Joe Goehring  
Person to Contact (Please Type or Print)  
(916) 283-9950  
(Area Code) Telephone Number

**Total Claimed Participation**

\$ \_\_\_\_\_  
\_\_\_\_\_ % of Contract

# **.F.SHEA CONSTRUCTION, INC.**

LICENSE NO. 769989 A  
P.O. Box 494519  
17400 Clear Creek Road  
REDDING CALIFORNIA 96049-4519

TELEPHONE: 530) 246-4292

FAX: 530) 246-9940

## **FAX COVER SHEET**

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**TO:** Mr. John McMillan, Office Engineer

**FAX NO.** (916) 227-6282

**FROM:** Brock Kernaghan

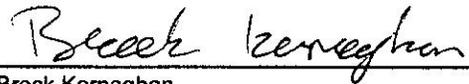
**DATE:** May 1, 2015

**SUBJECT:** 02-4G7304

**6 Pages, Including Cover Page**

**MESSAGE:**

Sincerely,



Brock Kernaghan

Estimator/Project manager

**J.F.Shea Construction Inc.**