

CA License #944155

February 3, 2015

State of California
Department of Transportation
Division of Engineering Services
Office Engineer, MS 43
1727 30th Street
P.O. Box 168041
Sacramento, CA 95816

Attn: John McMillan, Deputy Division Chief
Earl Seaberg, Chief, Office of Contract Awards

RE: 03-0F6904 – For Construction in Butte County at Flag Canyon Creek Bridge

Please consider this letter as a protest of the bid submitted by Shasta Services, Inc., DBA Timberworks for contract 03-0F6904. The bid submitted by Timberworks is nonresponsive and must be rejected because they failed to comply with the instructions to bidder relating to DBE requirements; and expanded the scope of work for S.T. Rhoades Construction and Frank Medina Engineering. From their 24 hour Subcontracting Listing to their DBE commitment which is in violation of Subletting and Subcontracting Fair Practices Act of the Public Contract Code.

The DBE Commitment Form specifically states, “IMPORTANT: Identify all DBE firms being claimed for credit, regardless of tier. Names of 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 DBE quotes are required.” Therefore, any discrepancy between the items of work listed for the subcontractors on the Subcontractor List and the items of work listed for the same subcontractors on the DBE Commitment form is grounds to find the bid nonresponsive.

Timberworks listed A.C. Dike to perform 100% of bid item 66 (Place Hot Mix Asphalt, Misc Areas) on the Subcontractor List, and then listed both S.T. Rhoades and A.C. Dike for item 66 on the DBE Commitment form. If A.C. Dike is already performing 100% of item 66, how can two firms now perform that item unless Timberworks post bid modified the items and percentages of their subcontractors, which is a violation of the subcontractor listing laws. In addition, Timberworks added bid item 61 (Minor Hot Mix Asphalt) to S.T Rhoades scope of work on the DBE Commitment form, and not on the Subcontract List.

Timberworks also expanded Frank Medina Engineering’s scope of work by adding bid item 96 (Vegetation Control, Minor Concrete). Vegetation Control, Minor Concrete does not fall under the descriptions that Timberworks listed for Frank Medina at bid time. The adding of these items to both S.T. Rhoades and Frank

Medina violated the subcontractor listing laws by giving Timberworks the opportunity to manipulate their subcontractors by negotiating post bid and adding bid items to their scopes. Caltrans has several times found this type of practice to be a violation of the subcontractor listing law and has found the bidder to be non-responsive. (see contract 03-4F3404)

Timberworks ambiguity in description of work, discrepancies between the DBE Commitment Form and the Subcontractor List, are grounds for Caltrans to determine Timberwork's bid to be nonresponsive.

Sincerely,



Clinton W. Myers
Vice President
Myers and Sons Construction, LP

02-12-15 A10:13 RCVD

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
 DES-OE-0102.2B (REV 5/2014)

Bidding Firm: Shasta Service Inc., DBA Timberworks

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.

| Business Name and Location | California Contractor License Number (a) | Description of Portion of Work | Bid Items Numbers | Percentage of Bid Item Subcontracted |
|--|--|---|---|--------------------------------------|
| E.P. Jarrett Foundation Co. Inc. Sacramento, CA | 999006 | H Piles | 75,76 | 100% of all |
| * A.C. Dike Co. Lincoln, CA | 407417 | Place HMA Dike and HMA Misc. areas | 62,63,64,65 66 | 100% of all |
| Green Growth Industries Citrus Heights, CA | 662718 | Temporary erosion control, erosion control | 21,22,23,24 25,26,27,28 29,34,53,54 55,56,57 | 100% of all |
| * Frank Medina Engineering Oroville, CA | 644373 | Barricades, drums, fencing, signs, guardrail | 5,9,36,39,40 42,82,83,90 91,92,93,94 | 100% of all |
| * Frank Medina Engineering Oroville, CA | 644373 | Barricades, drums, fencing, signs, guardrail | 95,96,97,98 99,100 | 100% of all |
| T and S DVBE Susanville, CA | 983087 | Flagging and PCMS | 4,12 | 70%,100% |
| Veridico Group, Inc | N/A | SWPPP, Lead Compliance Plan, Stormwater Annual Report | 1,17,20 | 38%,100% 100% |
| * S. T. Rhoades Construction Redding, CA | 930684 | Asphalt Paving | 60,67,71 | 100% of all |
| Tyrrell Resources Redding, CA | 938998 | Grub & pile felled trees & stumps; grind / chip | 49 | 80% |
| Sierra Nevada Construction Sacramento, CA | 593393 | Slurry Seal | 4,59,106 | 5%,100% 5% |

^a Not required on contracts with Federal-Aid.

ADA Notice

For individuals with sensory disabilities, this document is available in alternate formats. For information, call (916) 445-1233, TTY 711, or write to Records and Forms Management, 1120 N Street, MS-88, Sacramento, CA 95814.

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| Business Name and Location | California Contractor License Number (A) | Description of Portion of Work | Bid Items Numbers | Percentage of Bid Item Subcontracted |
|--|--|--------------------------------|--|--------------------------------------|
| Camblin Steel Rocklin, CA | 218839 | Rebar | 80,81,101 | 100%,100% 19% |
| Con-Pab Lathrop, CA | 481285 | Precast Girders | 78,79 | 100%,84% |
| Sierra Traffic Marking | 755317 | Stripping | 1,4,6,7,8,10 35,41,102,103 104,105 | 62%,6%, 100% bid items 6-105 |
| ACL Construction Chino Hills, CA | 468840 | Barrier Rail | 101 | 70% |
| Studebaker Brown Electric North Highlands, CA | 957296 | Temp. Signal | 11 | 98% |

(A) Not required on contracts with Federal-Aid.

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02-12-15A10:13 RCVD

PAGE 1 OF 2

Low Bidder

01-27-15P02:11 RCVD

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:
03-0F6904

BID AMOUNT:
\$ 2,458,544.69

BID OPENING DATE:
1/21/15

BIDDER'S NAME:
SHASTA SERVICES, Inc. DBA TIMBERWORKS

DBE GOAL FROM CONTRACT, %:
17%

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 |
|---|---|-----------------------|---|--------------------------------|
| * 62, 63, 64, 65 + <u>66</u> | PLACE ASPHALT DIKE + MIDC ASPHALT | | A.C. DIKE CO. 2708 VENTURE DR., LINCOLN, CA 916) 652-0159 CT#000219 | \$15,084.50 |
| 1, 17, 20 | LEAD COMPLIANCE PLAN; PREPARE + REPORT SWAPP | | VERIDICO GROUP P.O. BOX 673, ROSEVILLE, CA 707) 317-0002 CT#39572 | \$4,310.00 |
| 4, 12 | TRAFFIC FLAGGING; MESSAGE BOARDS | | T + S DRIVE P.O. BOX 270936, SUSANVILLE, CA 530) 944-8105 CT#38721 | \$84,964.00 |
| 72 | TEMPORARY BRIDGE | | KUS TOM STEEL FABRICATORS 4318 DUDLEY BLVD, SUITE H MC CLELLAN, CA 916) 588-5322 CT#001936 | \$37,495.00 |
| 49 | CLEAR + GRUB (PORTION) | | TYRELL RESOURCES P.O. BOX 493460, REDDING, CA 530) 243-8733 CT#38525 | \$43,120.00 |
| (SEE PAGE 2) Total Claimed Participation | | | | \$518,159.00 |

21 %

- DBE prime contractors must enter their certification number and indicate all work to be performed by DBEs including work performed by its own forces.
- If 100% of item is not to be performed or furnished by DBE, describe exact portion of item to be performed or furnished.
- 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

Jennifer L Knight
 Signature of Bidder

1/26/15
 Date

530) 926-4093
 (Area Code) Tel. No.

Stacy Moller
 Person to Contact (Please Type or Print)

ADA Notice

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PAGE 2 of 2

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.

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03-0F6904

BID AMOUNT:

\$2,458,544.69

BID OPENING DATE:

1/21/15

BIDDER'S NAME:

SHASTA SERVICES, Inc. DBA Timberworks

DBE GOAL FROM CONTRACT, %:

17%

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 |
|---|--|-----------------------|---|--------------------------------|
| * 40, 41, 46, 47, 71 | COLD PLANE ASPHALT; HOT MIX ASPHALT; TACK COAT | | J.T. RHOADES CONSTRUCTION 8585 COMMERCIAL WAY, REDDING, CA 530) 223-9322 CT#37698 | \$272,988.00 |
| 5, 9, 34, 39, 40, 41, 82, 83, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 | TYPE III BARRICADES; TRAFFIC PLASTIC DRUM; TREATED WOOD WASTE; REMOVE FENCE AND GUARDRAIL; REMOVE ROADSIDE SIGN; ROADSIDE SIGNS; FENCE (TEMP. AND PERMANENT); HIGHWAY MARKERS; GUARDRAIL SYSTEM; TRANSITION RAILING; END CAP AND ANCHOR ASSEMBLY; ALTERNATIVE FLARED TERMINAL SYSTEM; VEGETATION CONTROL | | FRANK MEDINA GEN. ENG. 10094 AHART RD; OROVILLE, CA | \$59,997.50 |
| - | | | - | |
| - | | | - | |
| - | | | - | |

IMPORTANT: Identify all DBE firms being claimed for credit, regardless of tier. Names of the First Tier DBE Subcontractors and their respective items(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

\$

%

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

Signature of Bidder

SEE PAGE 1

Date

(Area Code) Tel. No.

Person to Contact

(Please Type or Print)

Submit to:

MSC 43
 OFFICE ENGINEER
 DEPARTMENT OF TRANSPORTATION
 1727 30TH STREET
 SACRAMENTO, CA 95818-7005

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER

P.O. BOX 168041, MS-43
 SACRAMENTO, CA 95816-8041
 PHONE (916) 227-6299
 FAX (916) 227-6282
 TTY 711
 www.dot.ca.gov



*Serious drought.
 Help save water!*

November 21, 2014

Facsimile: (530) 273-4396

Eric Stannard, Director of Public Relations
 A. Teichert & Sons, Inc. dba Teichert Construction
 4401 Duluth Avenue
 Rocklin, CA 95765

03-4F3404
 03-Pla,Nev-80-69.3/69.8, 0.0/R2.3
 B.O. 10/15/14

Dear Mr. Stannard:

The Department of Transportation (Caltrans) received a bid from A. Teichert & Sons, Inc. dba Teichert Construction (Teichert) for contract 03-4F3404 on October 15, 2014. By this letter, Caltrans notifies Teichert that its bid is nonresponsive because the Disadvantaged Business Enterprise (DBE) form submitted is inconsistent with the Subcontractor List form in violation of the bidding instructions.

The DBE Commitment Form expressly states that "Names of the First Tier DBE Subcontractors and their respective item(s) of work listed must be consistent, where applicable, with the names and items of work in the Subcontractor List." Teichert listed the subcontractor ABSL on its DBE Commitment form to perform Bid Item 16 (Roadway Excavation), but failed to list ABSL on the Subcontractor List form. ABSL is listed for performing work in the amount of \$16,300 which, on a bid of \$3,161,385, meets the listing threshold of ½ of 1 percent or \$10,000.

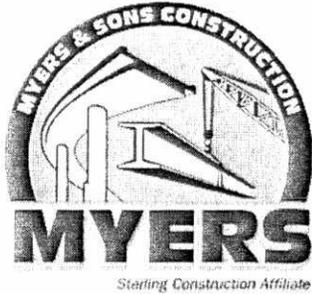
Caltrans reviewed all of the documents submitted by Teichert, and based on the description of work provided in the quote submitted by ABSL, determined that ABSL provides the equipment, as well as the operator to perform the scope of work. In addition, the work being performed by ABSL requires a contractor's license. It is therefore, Caltrans' determination that ABSL is a subcontractor performing more than 1/2 of 1 percent of the work and not merely an equipment supplier and must be listed on the subcontractor list form.

Based on the above findings, Caltrans will proceed to award this contract to the lowest responsive and responsible bidder provided that all requirements have been met.

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

Sincerely,

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



Fax

MYERS & SONS CONSTRUCTION, LP
4600 Northgate Blvd, Suite 100
Sacramento, CA 95824
Phone: 916.283.9950 Fax: 916.614.9520
www.myers-sons.com

TO: CALTRANS

FROM: MYERS & SONS

PAGES: 7

FAX: 916.227.6282

FAX: 916.614.9520

PHONE:

PHONE: 916.283.9950

CC:

RE: 03-0F6904 BID PROTEST

COMMENTS:

- Urgent
- Please review
- Please comment
- For your records

TRANSMISSION VERIFICATION REPORT

TIME : 02/03/2015 06:52
NAME :
FAX : 9166149520
TEL :
SER.# : BROK3V469940

DATE, TIME 02/03 06:50
FAX NO./NAME 19162276282
DURATION 00:01:14
PAGE(S) 08
RESULT OK
MODE STANDARD
ECM

02-12-15A10:14 RCVD



Fax

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Sacramento, CA 95824
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