



CA License #944155

February 3, 2015

State of California  
Department of Transportation  
Division of Engineering Services  
Office Engineer, MS 43  
1727 30<sup>th</sup> 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.

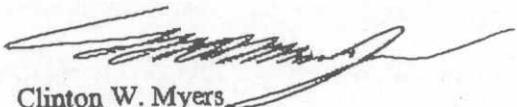
Timberworks listed A.C. Dike to perform 100% of bid item 66 (Place Hot Mix Asphalt, Misc Areas) on the Subcontractor List, and then listed both S.T. Rhoades and A.C. Dike for item 66 on the DBE Commitment form. If A.C. Dike is already performing 100% of item 66, how can two firms now perform that item 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

01/22/2015 THU 11:26 FAX 530 936 2119 TIMBERWORKS

Jan 22 2015 11:24am

002/003

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 Item Numbers	Percentage of Bid Item Subcontracted
E. P. Jamett 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	662713	Temporary erosion control, erosion control	21,22,23,24 25,26,27,28 29,34,33,34 35,36,37	100% of all
* Frank Medina Engineering Orville, CA	644373	Barricades, drums, fencing, signs, guardrail	1,9,36,39,40 42,82,83,90 91,92,93,94	100% of all
* Frank Medina Engineering Orville, CA	644373	Barricades, drums, fencing, signs, guardrail	99,96,97,98 99,100	100% of all
T and S DVBB 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. Rhodes 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	3%, 100% 5%

(a) Not required on contracts with Federal Aid.

**ADA Notice**

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01/22/2015 THU 11:27 Received  
 FAX 530 926 2118 TIMBERWORKS

Jan 22 2015 11:25am

003/003

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
**SUBCONTRACTOR LIST**  
 DES-DE-0102.2B (REV 6/2014)

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 <sup>(a)</sup>	Description of Portion of Work	Bid Item Numbers	Percentage of Bid Item Subcontracted
Cumblin Steel Rocklin, CA	218839	Rebar	80,81,101	100%,100% 19%
Con-Fab 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%

<sup>a</sup> Not required on contracts with Federal-Aid.

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

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:

03-0F1604

BID AMOUNT:

\$ 2,458,544.69

BID OPENING DATE:

1/21/15

BIDDER'S NAME:

SHASTA SERVICES, Inc DBE TIMBERWORKS

DBE GOAL FROM CONTRACT, %:

17%

DBE PRIME CONTRACTOR CERTIFICATION:

N/A

BID ITEM NO.	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED?	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 3rd tier for subcontractors)	DOLLAR AMOUNT DBE?
62, 63, 64, 65 + 66	PLACE ASPHALT DIKE + MIX ASPHALT		AC. DIKE CO. 2708 VENTURE DR., LINCOLN, CA (916) 652-0159 CT# 000219	\$15,084.50
1, 17, 20	LEAD COMPLIANCE PLAN; PREPARE + REPORT SWPPP		VERIDICO GROUP P.O. BOX 473, ROSEVILLE, CA (707) 317-0002 CT# 29572	\$4,310.00
4, 12	TRAFFIC FLAGGING; MESSAGE SIGNS		T + S DIVE P.O. BOX 270986, SACRAMENTO, CA (916) 644-8105 CT# 38701	\$84,964.00
72	TEMPORARY BRIDGE		KUB TOM STEEL FABRICATORS 4318 DODDLEY BLVD, SUITE # MCLELLAN, CA (916) 588-5322 CT# 000726	\$37,695.00
49	CLEAR + GRUB (PORTION)		TYREN RESOURCES P.O. BOX 493460, REDDING, CA (530) 843-8733 CT# 38595	\$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

Jonathan K Knight  
Signature of Bidder

1/21/15  
Date

531 934 4023  
(Area Code) Tel. No.

Stacy Moller  
Person to Contact

(Please Type or Print)

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

01-27-15P52:111 RCVD

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.

CONTRACT NO:

03-OFA904

BID AMOUNT:

\$2,458,544.49

BID OPENING DATE:

1/21/15

BIDDER'S NAME:

SHASTA SERVICES, INC. DBE TIMBERWORKS

DBE GOAL FROM CONTRACT %:

17%

DBE PRIME CONTRACTOR CERTIFICATION:

N/A

BID ITEM NO.	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED	FOR CALTRANS USE ONLY	NAME OF DBE* (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*
40, 41, 46, 47, 71	COLD PLANE ASPHALT; HOT MIX ASPHALT; TRUCK CURB		J.T. RHOADES CONSTRUCTION 8585 COMMERCIAL WAY, REDDING, CA 530) 233-9322 CT#37698	\$272,988.00
5, 9, 34, 39, 40, 42, 83, 83, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100	TYPE III BARRICADES; TRUCK PLASTIC DRUM; TREATED WOOD WASTE; REMOVAL SCRAP AND GUARDRAIL; CONCRETE RANDBSIDE SIGN; RANDBSIDE SIGNS; FENCE (TEMP AND PERMANENT); HIGHWAY MARKERS; GUARDRAIL SYSTEMS TRANSITION RAILING; END CAP AND ANCHOR ASSEMBLY; ALTERNATIVE FLARED TERMINAL SYSTEM; VEGETATION CONTROL		FRANK MEDINA GEN. ENG. 10096 AUNT 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 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

\$

%

- DBE prime contractor's 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 95816-7005

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STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY



Services drought.  
Help save water!

**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

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 1/2 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.

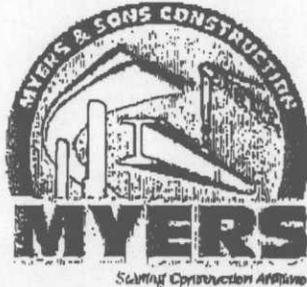
Sincerely,

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

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



# 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:



# 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