**TEICHERT CONSTRUCTION**

Established 1887

February 24, 2016

VIA FACSIMILE (916) 227-6282 AND EMAIL

Jeff DeFevere  
Office Engineer  
Division of Engineering Services  
State of California  
Department of Transportation (Caltrans)  
1727 30<sup>th</sup>, Bidder Exchange, MS 43  
Sacramento, CA 95816-8041

Subject: Contract No. 03-1F4004  
03-Pla-80-35.1/38.3 – Colfax Truck Climbing Lanes  
Bids Opened: November 18, 2015  
**Bid Protest of DeSilva Gates Construction to award contract to Teichert Construction, the lowest responsive and responsible bidder.**

Dear Mr. DeFevere:

A Teichert & Sons dba Teichert Construction, Inc. ("Teichert") is the lowest responsive and responsible bidder on Caltrans Contract No. 03-1F4004. Teichert has reviewed a copy of DeSilva Gates Construction ("DGC") letter of February 23, 2016, protesting award to Teichert. DGC's protest has no merit.

Subcontracted Work Description

Teichert listed Coral Construction Company for Item No. 186 "Mobilization" for 0.4%. DGC's claim that this is grounds for a non-responsive bid has no merit. Reference CalTrans letter dated May 21, 2015, regarding Contract #02-4G7304, which states, "Mobilization services are not defined by the Business and Professions Code for that of a subcontractor and is not considered work subject to Public Contract Code 4100...". There is no portion of work to be described for mobilization.

DBE Commitment Submittal

Reference is made to Teichert letter dated February 19, 2016, regarding subject contract. As stated in referenced letter, Teichert's DBE submittal did in fact include the DBE Confirmation form for Double M Trucking. DGC's plagiarism of Granite's allegation is identically incorrect.

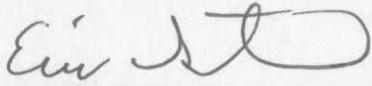
DMT's Quote Invalid

The quote from Double M Trucking (DMT) to Teichert is valid and specific to the means and methods determined by Teichert in submittal of our bid proposal. DGC's opinion of certified payroll requirements has no authority nor any bearing on Teichert's bid proposal.

Teichert respectfully requests Caltrans reject DGC's protest and proceed with the award of this contract to

Teichert. Should you need any additional information, I can be reached at 916-645-4855.

Sincerely,



Eric Stannard  
Director of Public Procurement

02-25-16A08:28 RCVD

Attachment

cc: E. Streich – Teichert Construction

**DEPARTMENT OF TRANSPORTATION**

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER

P.O. BOX 168041, MS-43

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www.dot.ca.gov



*Serious drought.  
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May 21, 2015

Facsimile: (530) 246-9940

Brock Kernaghan, Estimator  
J.F. Shea Construction, Inc.  
17400 Clear Creek Road  
Redding, Ca 96049-4519

02-4G7304  
02-Sha-VAR-VAR  
B.O. 4/22/2015

Dear Mr. Kernaghan:

The Department of Transportation (Caltrans) received letters, dated May 1, 2015, from J.F. Shea Construction, Inc. (J.F. Shea). J.F. Shea alleges that Mercer-Fraser listed Titan DVBE on their Subcontractors List form for 40% of Bid Item 3, Traffic Control; however on their DVBE Summary form they listed Titan DVBE for \$42,400.00. J.F. Shea requests that Caltrans find Mercer-Fraser's bid nonresponsive.

J.F. Shea also alleges that Myers & Sons Construction, LP (Myers & Sons) listed Mallard Construction Inc. (Mallard) on their Certified DVBE Summary form and Certified Small Business Listing to perform work described as Bid Items 1, 3, 14, 15, 40, 41, 42, and 43 (Lead Compliance Plan; Traffic Control System; Remove Thermoplastic Traffic Stripe; Remove Pavement Marker; Thermoplastic Pavement Marking; Thermoplastic Traffic Stripe; Pavement Marker (Retroflective); Pavement Marker (Retroflective-Recessed)) for a total of \$45,605.00 but listed \$57,605.00 on the Certified DVBE Summary form and Certified Small Business Listing for the total amount to be paid to Mallard. J.F. Shea alleges that this difference between the sums of the bid items versus the total amount stated on the DVBE Form to be paid to Mallard is attributable to the payment to Mallard for mobilization costs. J.F. Shea alleges that Caltrans must find Myers & Sons' bid nonresponsive because mobilization was not listed as a bid item to be performed by Mallard as part of its scope of work. J.F. Shea requests Caltrans find Myers & Sons bid nonresponsive.

As this protest relates to the bid submitted by Mercer-Fraser, Caltrans did not conduct a review since Mercer-Fraser was granted a Relief of Bid.

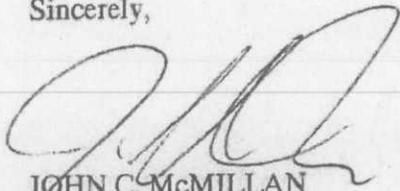
With respect to Myers & Sons, Caltrans reviewed the bid documents and determined that mobilization is not a bid item that is required to be listed, as mobilization is assumed with all bid items and does not need to be listed as a separate item. Mobilization services are not defined by the Business and Professions Code for that of a subcontractor and is not considered work subject to Public Contract Code 4100 et seq. Myers & Sons is entitled to include this item as part of the DVBEs participation as Mallard will be paid for its mobilization costs. On this issue, Caltrans does not find this bid nonresponsive.

Mr. Brock Kernaghan  
May 21, 2015  
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Based on Caltrans findings, it was determined that J.F. Shea's protest lacks merit and we will proceed to award to the lowest responsible bidder.

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

cc: Matthew J. Weber  
Downey Brand  
(209) 473-6458