

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 30th STREET
P. O. BOX 168041
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6280
FAX (916) 227-6282
TTY 711



*Flex your power!
Be energy efficient!*

May 10, 2013

Facsimile: (602) 437-1821

Wolfgang Delgado, Sr.
Western Structures
6005 Tyler Street
Riverside, CA 92503

03-4M5204
03-Sac-80, 99, 160-VAR
B.O. 04/03/2013

Dear Mr. Delgado:

The Department of Transportation (Caltrans) received the enclose letters dated April 12, 24, 26, and May 1, 2013, from Western Structures, Inc. protesting Truesdell, Inc. bid. The protest alleges that Truesdell under bid, item No. 10 (Public Safety Plan), with a item total of \$5,000.00, and listed this item on its Certified Disadvantaged Veteran's Business Enterprise (DVBE) Summary, and the Certified Small Business Listing for the Non-Small Business Preference claiming \$16,175.00, participation in order to meet the 3 percent goal on the contract.

The Office of Business and Economic Opportunity's Contract Evaluation Unit (CEU) initially determined that Truesdell met the 3 percent goal of the contract. The DVBE goal is a percentage of the total bid that a Prime Contractor agrees to make available to, in this case a DVBE firm. After careful review and consideration of the bid documents provided by Truesdell, Caltrans finds that Truesdell did in fact meet the stated goal on this contract by listing the participation of Global Environment Network, Inc. to provide a Public Safety Plan in the amount of \$16,175.00 and adequately described the work to be performed by Titan DVBE.

Based on this finding, Caltrans has determined that the protest submitted by Western Structures lacks merit and will proceed to award this contract to Truesdell.

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

Sincerely,

A handwritten signature in black ink, appearing to read "John C. McMILLAN".

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

Enclosure

**GENERAL ENGINEERING CONTRACTOR
STORM DRAIN STRUCTURES**

Lic. #707211



April 12, 2013

John McMillan, Deputy Division Chief
Mulissa Smith, Contract Branch Chief
Division of Engineering Services
Office Engineer, MS 43
1727 30th Street
P.O. Box 168041
Sacramento, CA 95816-8041

Attn: Small Business/DVBE
Reference: Contract No. 03-4M5204

Subject: Protest of Bid

Gentlemen,

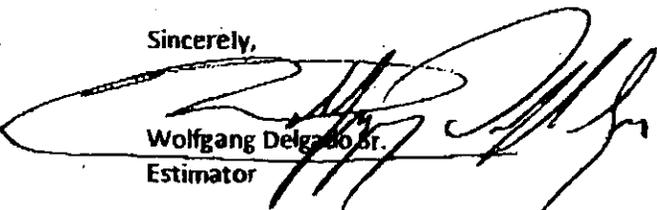
Western Structures would like to submit a protest of the DVBE submittal from Truesdale Corporation for the above referenced Project.

The bid turned in by Truesdale Corporation on 04-03-2013, page 3 (bid item list) under bit item No. 10 has a total listing of \$5,000.00 dollars. The DVBE submittal form DES-OE-0102.5 and the Certified Small Business Listing for the Non-Small Business Preference form DES-OE-0102.8, submitted on 04-05-2013 listed Global Environmental for a total dollar amount of \$16,175.00 dollars for item No. 10, again previously mentioned above for the total dollar amount of 5,000.00.

Global Environmental, per the original submitted Bid Item No. 10, which is at \$5,000.00 would change the overall DVBE participation percentage to 2.5% in lieu of the original percentage of 3.02, making Truesdale Corporation's bid non-responsive.

Western Structures would appreciate your prompt consideration and attention to this matter.

Sincerely,


Wolfgang Delgado Sr.
Estimator

**GENERAL ENGINEERING CONTRACTOR
STORM DRAIN STRUCTURES**

Lic. #707211



April 24, 2013

John McMillan, Deputy Division Chief
Mulissa Smith, Contract Branch Chief
Division of Engineering Services
Office Engineer, MS 43
1727 30th Street
P.O. Box 168041
Sacramento, CA 95816-8041

Attn: Small Business/DVBE
Reference: Contract No. 03-4M5204

Subject: 2nd Protest of Bid

Gentlemen,

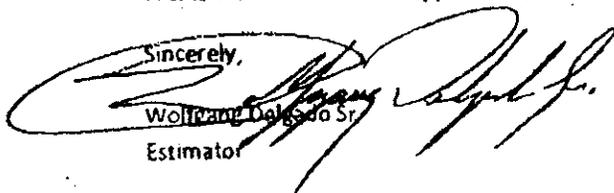
Western Structures would like to submit a protest of the DVBE submittal from Truesdell Corp. for the above referenced Project.

The bid turned in by the Truesdell Corp, listed Titan DVBE, bid item No. 4 for the dollar amount of \$14,500.00, it was not mentioned or listed as a partial, but this item obviously being a partial should have complied with note No. 2. The DVBE submittal form DES-OE-0102.5 dated 04-03-2013 submitted by Truesdell Corp. does not describe the exact part, or the planned location of the work to be performed by Titan DVBE, as required by note #2 of the DVBE Summary Form DES-OE-0102.5.

The heading on Column directs you to note number 2, which state; "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."

Western Structures feels that Truesdell Corp. Did not comply with the DVBE Submittal Form listed above, and should be considered non-responsive.

Western Structures would appreciate your prompt consideration and attention to this matter.

Sincerely,

Wolfgang Dalgado Sr.
Estimator

GENERAL ENGINEERING CONTRACTOR
STORM DRAIN STRUCTURES

Lic. #707211



April 26, 2013

John McMillan, Deputy Division Chief
Mulissa Smith, Contract Branch Chief
Division of Engineering Services
Office Engineer, MS 43
1727 30th Street
P.O. Box 168041
Sacramento, CA 95816-8041

Attn: Small Business/DVBE
Reference: Contract No. 03-4M5204

Subject: Protest of Bid Response

Gentlemen,

Western Structures is in receipt of Truesdell's response to our Bid Protest. Truesdell states that they are able to submit a dollar figure of \$5,000.00 on the Bid Date and adjust as needed when they are to meet the required DVBE goal of 3%.

They also state that the intent was to utilize the difference from the \$16,175.00 reported on the DVBE submittal form to be distributed throughout the remaining items of work.

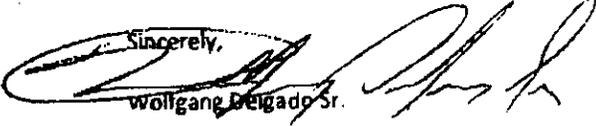
Form DES-OE-0102.5 requires bid item numbers, description of work, name of the DVBE contractor or supplier and dollar amounts pertaining to each bid item referenced from the original bid, be listed on the Certified DVBE Summary.

Again, Truesdell Corp. did not comply with the set requirements set forth on the DVBE mentioned form. Truesdell clearly listed on the Original Bid, bid item No. 10 \$5,000.00 as a unit price and total. Truesdell Corp clearly listed G.E.N.I for Bid Item No. 10 on the DVBE Summary form for \$16,175.00 stating that it was their intent to pay G.E.N.I the dollar amount \$16,175.00.

Truesdell Corp. Bid should be rendered non-responsive.

Western Structures would appreciate your prompt consideration and attention to this matter.

Sincerely,


Wolfgang Delgado Sr.

Estimator

Received
05-01-'13 08:35 FROM-WESTERN

May 1 2013 08:17am
9513524301

T-554 P001/001 F-678

GENERAL ENGINEERING CONTRACTOR
STORM DRAIN STRUCTURES

Lic. #707211



May 01, 2013

John McMillan, Deputy Division Chief
Mulissa Smith, Contract Branch Chief
Division of Engineering Services
Office Engineer, MS 43
1727 30th Street
P.O. Box 168041
Sacramento, CA 95816-8041

Attn: Small Business/DVBE
Reference: Contract No. 03-4M5204

Subject: 3rd Protest of Bid

Gentlemen,

Western Structures would like to submit a protest of the Bid/DVBE submittal from Truesdell Corp. for the above referenced Project.

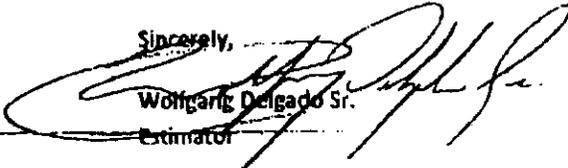
The bid turned in by the Truesdell Corp, listed two subcontractors for the same Item of work; Bid Item No. 4. The Subcontractor List form DES-OE-0120.2 has listed Highway Specialty Co. for 89% and Titan DVBE for 11%. It is my understanding that this is not allowed.

In addition Titan DVBE is listed on the above mentioned form for 11%, which would make the dollar amount to be \$23,739.70. Titan on The Certified DVBE Summary form DES-OE-0102.5 is listed for the dollar amount for \$14,500.00; this would put the percentage of the subcontract at 6.7%. This violates (Pub Cont Code 4100et seq), which states, "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 submitted with the bid".

Western Structures feels that the above mentioned discrepancies should deem Truesdell's bid non-responsive.

Western Structures would appreciate your prompt consideration and attention to this matter.

Sincerely,


Wolfgang Delgado Sr.

Estimator

2013-05-01 08:19

GMO-CONADMIN

209 523 4313 >>

916 227 6282 P 1/4

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION

SUBCONTRACTOR LIST

DES-OE-01022 (REV 3/2011)

Bidder Name: GEORGE REED, INC.

The bidder must identify each subcontractor performing work in an amount in excess of 1/2 of 1 percent of the total bid or \$10,000, whichever is greater (Pub Conl Code § 4100 et seq.). Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916) 227-6282 within 24 hours after the bid opening. Failure to provide complete information in columns 1 through 4 within the time specified will result in a nonresponsive bid.

Column 1: Business Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
Chrisp Company Woodland, CA	1	43%	-LEAD COMPLIANCE PLAN (P)
	12	100%	-REMOVE THERMOPLASTIC TRAFFIC STRIPE
	13	100%	-REMOVE THERMOPLASTIC PAVEMENT MARKING
	39	100%	-THERMOPLASTIC TRAFFIC STRIPE (ENHANCED WET NIGHT VISIBILITY)
	40	100%	-4" THERMOPLASTIC TRAFFIC STRIPE (ENHANCED WET NIGHT VISIBILITY)
	41	100%	-4" THERMOPLASTIC TRAFFIC STRIPE (ENHANCED WET NIGHT VISIBILITY) (BROKEN 6-1)
	42	100%	-4" THERMOPLASTIC TRAFFIC STRIPE (ENHANCED WET NIGHT VISIBILITY) (BROKEN 17-7)
	43	100%	-4" THERMOPLASTIC TRAFFIC STRIPE (ENHANCED WET NIGHT VISIBILITY) (BROKEN 36-12)
	44	100%	-8" THERMOPLASTIC TRAFFIC STRIPE (ENHANCED WET NIGHT VISIBILITY)
	45	100%	-8" THERMOPLASTIC TRAFFIC STRIPE (ENHANCED WET NIGHT VISIBILITY) (BROKEN 12-3)
	46	100%	-PAVEMENT MARKER (RETROREFLECTIVE)
	3	1.40%	-TRAFFIC CONTROL (PARTIAL)
	51	5%	-MOBILIZATION (PARTIAL)

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

2013-05-01 08:19

GMO-CONADMIN

209 523 4313 >>

916 227 6282 P 2/4

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION

SUBCONTRACTOR LIST

DES-OE-0102.2 (REV 3/2011)

Bidder Name: GEORGE REED, INC.

The bidder must identify each subcontractor performing work in an amount in excess of 1/2 of 1 percent of the total bid or \$10,000, whichever is greater (Pub Cont Code § 4100 et seq.). Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916) 227-6282 within 24 hours after the bid opening. Failure to provide complete information in columns 1 through 4 within the time specified will result in a nonresponsive bid.

Column 1: Business Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
Pacific Excavation, Inc. Elk Grove, CA	47	100%	-MAINTAINING EXISTING TRAFFIC MANAGEMENT SYSTEM ELEMENTS DURING CONSTRUCTION
	48	100%	-REPLACE DETECTOR LOOPS
	49	100%	-MODIFY TRAFFIC MONITORING STATION (COUNT)
	50	100%	-TRAFFIC MONITORING STATION (COUNT)

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STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION

SUBCONTRACTOR LIST

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Column 1: Business Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
Midstate Barrier, Inc. Stockton, CA	10	100%	-TREATED WOOD WASTE
	11	100%	-REMOVE METAL BEAM GUARD RAILING
	16	100%	-REMOVE BRIDGE RAILING
	32 (F)	100%	-MINOR CONCRETE (MINOR STRUCTURE)
	35	100%	-METAL BEAM GUARD RAILING (WOOD POST)
	36	100%	-TRANSITION RAILING (TYPE WB)
	37	100%	-END ANCHOR ASSEMBLY (TYPE SFT)
	38	100%	-ALTERNATIVE FLARED TERMINAL SYSTEM
Austin Enterprise Bakersfield, CA	18	100%	-CRACK TREATMENT

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2013-05-01 08:19

GMO-CONADMIN

209 523 4313 >>

916 227 6282 P 4/4

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION

SUBCONTRACTOR LIST

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Column 1: Business Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
KRC Safety Co, Inc.	2	100%	-CONSTRUCTION AREA SIGNS
	4	100%	-CHANNELIZER (SURFACE MOUNTED)
	6	100%	-TEMPORARY CRASH CUSHION MODULE
	33	100%	-DELINEATOR (CLASS 1)
	34	100%	-OBJECT MARKER (TYPE L-1)

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**** Transmit Conf. Report ****

P.1
CALTRANS CONTR AWARDS Fax 916-227-6282

May 10 2013 10:02am

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
916024371821	Normal	10:10:01am	1'37"	9	# O K	

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 30th STREET
P. O. BOX 168041
SACRAMENTO, CA 95816-8041
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Wolfgang Delgado, Sr.
Western Structures
6005 Tyler Street
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Based on this finding, Caltrans has determined that the protest submitted by Western Structures lacks merit and will proceed to award this contract to Truesdell.

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

Sincerely,

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

Enclosure