

**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!*

June 9, 2014

Facsimile: (925) 803-4263

Michael A. Kloos, Vice- President  
DeSilva Gates Construction  
11555 Dublin Boulevard  
Dublin, CA 94568-2909

03-4M8204  
03-Sac-5,99-29.5/30.5,32.1/36.9  
B.O. 05/14/2014

Dear Mr. Kloos:

The Department of Transportation (Caltrans) received the attached letter dated May 22, 2014, from DeSilva Gates Construction (DGC), protesting the bid submitted by Teichert Construction (Teichert). The protest alleges that Teichert failed to provide a Description of Work for each subcontractor listed on the original Subcontractors List Form submitted with the bid and is materially inconsistent with the 24 hr submission. DGC requests that Caltrans find Teichert nonresponsive and award the contract to DGS.

Caltrans reviewed the bid documents for Teichert and finds that Teichert submitted its Subcontractor list form with the description of work as bid item numbers. It is Caltrans determination that this is an acceptable method of describing the work to be performed and no material inconsistency with the two documents exist. Furthermore, the description provided in the 24 hr list is consistent with the Subcontractor List submitted on bid day.

Based on the above, Caltrans DCG's protest will have not merit on the award of this contract and Caltrans will proceed to award this contract to the lowest responsible bidder, provided that all requirements have been met.

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

Sincerely,

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

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

Attachment

**DESILVA GATES**  
CONSTRUCTION

11555 Dublin Boulevard  
P.O. Box 2909  
Dublin, California 94568-2909  
925/829-9220  
www.desilvagates.com

CONTRACTORS LICENSE NO. 704195 A

May 22, 2014

VIA FACSIMILE (916) 227-6282

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

Re: Contract No. 03-4M8204  
Bids Opened: May 14, 2014  
**Bid Protest of A. Teichert & Son, Inc. dba Teichert Construction**

Dear Mr. McMillan:

DeSilva Gates Construction, LP (DGC) was the second monetary bidder on the above referenced Contract. With this letter, we hereby protest the bid submitted by A. Teichert & Son, Inc. dba Teichert Construction (Teichert), the lowest monetary bidder for failing to comply with the mandatory requirements for the completion of the Subcontractor List on this Contract. Teichert's bid must be rejected as non-responsive and ineligible for award of this Contract.

The Subcontractor List form states in part, "... Complete business name, location, and description of subcontracted work and submit with the bid. Complete bid item numbers and percentage of bid item subcontracted and submit with the bid, or fax to (916) 227-6282 within twenty four (24) hours after bid opening. Failure to provide complete information in all areas within the time specified will result in a nonresponsive bid." No other revisions to the form are permitted.

On the day of the bid, Teichert submitted the attached Subcontractor List (Attachment 1) with their bid that was materially incomplete. In this submittal, Teichert failed to provide the Description of Work for each Subcontractor listed on the form. Teichert appears to try to list the Bid Item Numbers for each Subcontractor, but entered them as undefined numbers under the heading Description of Subcontracted Work. Teichert did not list Bid Item Numbers or Percentages of Bid Item Subcontracted with their bid.

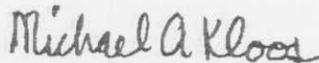
Contract #03-4M8204 Protest Letter  
May 22, 2014  
Page 2 of 2

Within twenty four hours of bid time, Teichert submitted the attached Subcontractor List (Attachment 2) that was materially inconsistent with Attachment 1 submitted with the bid as it relates to all of their listed Subcontractors. Since Teichert did not provide Bid Item Numbers or Percentages of Subcontracted Work with their bid, they provided the required information in their Attachment 2 submittal. However, their Attachment 2 submittal also provided the Description of Subcontracted Work for each of the listed Subcontractors. The Description of Subcontracted Work had to be submitted with Teichert's bid, and cannot be provided and/or altered in the required submittal within twenty four (24) hours after the bid opening.

The bid submitted by Teichert is clearly non-responsive and must, in accordance with applicable law and the Department of Transportation's (Department) consistent practice, be rejected.

For the reasons stated above, the Department of Transportation (Department) must deem the bid submitted by Teichert to be non-responsive. In conclusion, accordingly, the contract should be awarded to DeSilva Gates Construction as the lowest monetary, responsive and responsible bidder.

Sincerely  
DeSilva Gates Construction



Michael A. Kloos  
Vice-President

Attachment 1 – Teichert Bid Day Subcontractor List  
Attachment 2 – Teichert Subcontractor List submitted within 24 hours after the bid opening

STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION  
BID BOOK

Attachment No. 1

Contract No.: 03-4M8204

Project ID: 0313000072

Bidder: VC0000013950 - A. Teichert & Son, Inc. dba Teichert Construction

SUBCONTRACTOR LIST

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 business name, location, and description of subcontracted work and submit with the bid. Complete bid item numbers and percentage of bid item subcontracted and submit with the bid, or fax to (916)227-6282 within 24 hours after the bid opening. Failure to provide complete information in all areas within the time specified will result in a nonresponsive bid.

List this sub? Yes

1) Business Name: Farwest Safety, Inc.

City: Lodi State: CA

Description of Subcontracted Work:

2, 23, 24, 25

Bid Item Numbers:

Percentages of Bid item Subcontracted:

List this sub? Yes

2) Business Name: Centerline Striping Company, Inc.

City: Elk Grove State: CA

Description of Subcontracted Work:

1, 10, 11, 31, 32, 33, 34, 35, 36

Bid Item Numbers:

Percentages of Bid item Subcontracted:

Bid Item Numbers:

Percentages of Bid item Subcontracted:

Bid Item Numbers:

Bid Item Numbers:

Percentages of Bid item Subcontracted:

Bid Item Numbers:

Percentages of Bid item Subcontracted:

List this sub? Yes

3) Business Name: Pacific Excavation, Inc.

City: Elk Grove State: CA

Description of Subcontracted Work:

37,38

Bid Item Numbers:

Percentages of Bid item Subcontracted:

List this sub? Yes

4) Business Name: Titan DVBE

City: Redding State: CA

Description of Subcontracted Work:

3

Bid Item Numbers:

Percentages of Bid item Subcontracted:

Bid Item Numbers:

List this sub? Yes

5) Business Name: Central Fence Company  
City: Sacramento State: CA

Description of Subcontracted Work:  
8, 9, 26, 27, 28, 29, 30

Bid Item Numbers:

Percentages of Bid item Subcontracted:

List this sub? Yes

6) Business Name: Western Grinding  
City: Reno State: NV

Description of Subcontracted Work:  
12, 15, 16

Bid Item Numbers:

Percentages of Bid item Subcontracted:

List this sub? Yes

7) Business Name: Anrak Corporation  
City: Sacramento State: CA

Description of Subcontracted Work:  
13

Percentages of Bid item Subcontracted:

Bid Item Numbers:

Percentages of Bid item Subcontracted:

Contract No.: 03-4M2204

Project ID: 0313000072

Bidder: VC0000011950 - A. Teichert & Son Inc. dba Teichert Construction

SUBCONTRACTOR LIST

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 business name, location, and description of subcontracted work and submit with the bid. Complete bid item numbers and percentage of bid item subcontracted and submit with the bid, or fax to (916)227-6282 within 24 hours after the bid opening. Failure to provide complete information in all areas within the time specified will result in a nonresponsive bid.

List this sub? Yes

2) Business Name: Farwest Safety, Inc.  
City: Lodi State: CA

Description of Subcontracted Work:

Construction Area Signs, Concrete Barrier Delineator, Delineator, Object Marker

Bid Item Numbers:

2, 23, 24, 25

Percentages of Bid Item Subcontracted:

100

Bid Item Numbers:

Percentages of Bid Item Subcontracted:

List this sub? Yes

2) Business Name: Centerline Striping Company, Inc.  
City: Elk Grove State: CA

Description of Subcontracted Work:

Lead Compliance Plan, Remove and Replace Striping, Pavement Markers

Bid Item Numbers:

1, 10, 11, 31, 32, 33, 34, 25, 36

Percentages of Bid Item Subcontracted:

100

Bid Item Numbers:

Percentages of Bid Item Subcontracted:

Bid Item Numbers:

Bid Item Numbers:

Percentages of Bid item Subcontracted:

Bid Item Numbers:

Percentages of Bid item Subcontracted:

List this sub? Yes

3) Business Name: Pacific Excavation, Inc.

City: Elk Grove State: CA

Description of Subcontracted Work:

Maintain Existing Traffic Management During Construction, Vehicle Sensor Nodes

Bid Item Numbers:

37.36

Percentages of Bid item Subcontracted:

100

Bid Item Numbers:

Percentages of Bid item Subcontracted:

List this sub? Yes

4) Business Name: Titan DVBE

City: Redding State: CA

Description of Subcontracted Work:

Set up, move, and take down lane closures throughout project.

Bid Item Numbers:

Percentages of Bid item Subcontracted:

16.25

Bid Item Numbers:

Percentages of Bid item Subcontracted:

Bid Item Numbers:

Percentages of Bid item Subcontracted:

Bid Item Numbers:

Percentages of Bid item Subcontracted:

Bid Item Numbers:

List this sub? Yes

5) Business Name: Central Fence Company  
City: Sacramento State: CA

Description of Subcontracted Work:

Wood Waste, Remove and Replace Guard-rail, Transition Rail, End Anchor, Alt Sys

Bid Item Numbers:

8.9.26,27,28,29,30

Percentages of Bid Item Subcontracted:

100

Bid Item Numbers:

Percentages of Bid Item Subcontracted:

List this sub? Yes

6) Business Name: Western Grinding  
City: Reno State: NV

Description of Subcontracted Work:

Remove AC Dike, Inertial Profiler, Prepave Grinding Day

Bid Item Numbers:

1,15

Percentages of Bid Item Subcontracted:

.00

Bid Item Numbers:

.6

Percentages of Bid Item Subcontracted:

8.56

Bid Item Numbers:

Percentages of Bid Item Subcontracted:

Bid Item Numbers:

Percentages of Bid Item Subcontracted:

Bid Item Numbers:

Percentages of Bid Item Subcontracted:

List this sub? Yes

7) Business Name: Anrak Corporation  
City: Sacramento State: CA

Description of Subcontracted Work:

old Plane Asphalt Concrete Pavement

05/22/2014 01:27pm

Received  
DGC ESTIMATING 8034264

May 22 2014 01:30pm  
#617

Page 10/11

Percentages of Bid Item Subcontracted:

17.94

Bid Item Numbers:

Percentages of Bid Item Subcontracted:

TEICHERT CONSTRUCTION Fax: 530-406-4299  
May 15 2014 12:28pm

Received

May 15 2014 12:19pm P005/005



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

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

Jun 9 2014 02:39pm

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STATE OF CALIFORNIA--CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

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Sincerely,

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

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