

**DESILVA GATES**  
CONSTRUCTION

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925/829-9220  
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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.

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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: VC0000012950 - 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 (516)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, 35, 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:

37,38

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:

1

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:

B.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:

B.55

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

Percentages of Bid Item Subcontracted:  
17.94

Bid Item Numbers:

Percentages of Bid Item Subcontracted:

