

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!*

February 1, 2013

Facsimile: (510) 237-2435

Larry Etcheverry, Vice President

C. Overaa & Co.

200 Parr Boulevard

Richmond, CA 94801

04-014084

04-Ala-80-2.2

B.O. 01/16/2013

Dear Mr. Etcheverry:

The Department of Transportation (Caltrans) received the enclosed letter dated January 29, 2013, from F&H Construction (F&H) protesting C. Overaa & Co.'s (Overaa) bid. The protest alleges that the percentage of bid items is incorrect in Column 3 of Overaa's Subcontractor List. Specifically, Overaa listed DVBE Trucking & Construction for 0.3 percent of bid items 38, 39 and 40, and listed Bortolussi & Watkin, Inc. for 1.2 percent of bid items 42, 43, 44, 45, 46, 47 and 48.

F&H is requesting that Caltrans reject Overaa's bid as nonresponsive and award the contract to F&H.

Please provide your response to F&H and Caltrans no later than February 4, 2013.

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

Sincerely,

A handwritten signature in black ink that reads "John C. McMILLAN".

JOHN C. McMILLAN

Deputy Division Chief

Office Engineer

Division of Engineering Services

Enclosure

(1) F&H's 3rd protest regarding percentage of bid items



January 29, 2013

FAXED AND MAILED

California Department of Transportation, MS 43
Division of Engineering Services
Attention: John McMillan, Deputy Division Chief
1727 30th Street
P.O. Box 168041
Sacramento, CA 95816-8041

Re: Additional Backup and Information
Protest of C. Overaa & CO
Caltrans Contract No. 04-014084
Bid Opening: 1/16/2013

Added Backup to
2nd Protest by F&H of C. Overaa & Co. bid

Dear Mr. McMillan,

In an effort to provide additional information and clarity to our 2nd protest letter of Overaa & Co.'s (Overaa) bid, F&H Construction submits the following:

We draw your attention to the heading "OVERAA'S SUBCONTRACTOR LIST COLUMN 3: PERCENTAGE OF BID ITEM IS INCORRECT" from our previous protest letter dated January 23, 2013. We present the below information for your review along with the associated documentation and backup for your consideration.

Overaa's bid is nonresponsive, because it incorrectly filled in Column 3 for many of the subcontractors listed. This is additionally substantiated when Overaa filled out both their Certified DVBE Summary and Certified Small Business Listing for the Non-Small Business Preference. The instances of this occurring are as follows:

1. DVBE Trucking & Construction was listed on Overaa's Subcontractor Listing (Exhibit #1) for 0.3% of bid items number 38, 39 and 40. Based on this percentage the value of the work for DVBE Trucking & Co. should be approximately \$59,000.00. In contrast they have listed them for \$95,000.00 on both their "DVBE Summary" (Exhibit #2) and "Certified Small Business Listing for the Non-Small Business Preference" (Exhibit #3).
2. More evident was the Bortolussi & Watkin, Inc. who was listed on Overaa's Subcontractor Listing for 1.2% of bid items number 42, 43, 44, 45, 46, 47 and 48. Based on this percentage the value of the work for Bortolussi & Watkin, Inc. should be approximately \$5,000.00. In contrast they have claimed Bortolussi & Watkin's for \$370,000.00 on their "Certified Small Business Listing for the Non-Small Business Preference.

We are additionally attaching the following subcontractor bids for reference in analyzing Overaa's bid form and emphasize the following:

1. Carone & Co. (Carone) is indicated on Overaa's bid form for 14% of the various bid items noted. These items total \$3,811,380.00 as indicated on Overaa's Bid Item List. Using the 14% noted on Column 3 Carone's work would total approximately \$533,593.00 based on Overaa's bid. This is a huge difference to Carone's subcontractor bid (Exhibit #4) for these same items for a total nearly \$5,485,000.00.
2. Bailey Fence Company, Inc. (Bailey) is indicated on Overaa's bid form for 0.9% of the various bid items noted. These items total \$368,520.00 as indicated on Overaa's Bid Item List. Using the 0.9% noted on Column 3 Bailey's work would total approximately \$3,400.00 based on Overaa's bid. This is a huge difference to Bailey's subcontractor bid (Exhibit #5) for these same items for a total nearly \$285,000.00.

3. Bortolussi & Walkin, Inc. (B&W) is indicated on Overaa's bid form for 1.2% of the various bid items noted. These items total \$419,515.00 as indicated on Overaa's Bid Item List. Using the 1.2% noted on Column 3 B&W's work would total approximately \$5,034.00 based on Overaa's bid. This is a huge difference to B&W's subcontractor bid (Exhibit #6) for these same items for a total nearly \$370,000.00.
4. Foundation Constructors, Inc. (Foundation) is indicated on Overaa's bid form for 4.5% of the various bid items noted. These items total \$1,292,328.00 as indicated on Overaa's Bid Item List. Using the 4.5% noted on Column 3 Foundation's work would total approximately \$58,155.00 based on Overaa's bid. This is a huge difference to Foundation's subcontractor bid (Exhibit #7) for these same items for a total nearly \$1,459,000.00.

We hope that the above information is helpful in making your analysis but if additional information would be useful, please let me know. There is additional documentation that column 3 of the Subcontractor List by Overaa is clearly incorrect and more information can be provided if necessary.

It is clear that Overaa failed to adhere to Caltrans specification for demonstrating compliance with requirements for subcontractor listing. We have provided this additional information in an effort to assist in making the determination that Overaa's bid is nonresponsive. Overaa did not comply with the Subcontractor Listing laws and its bid must be rejected. F&H requests that Caltrans rejects Overaa's bid as nonresponsive and award the Contract to F&H.

Thank you for your time and consideration,

Stephen Seibly
Secretary / Treasurer
F&H Construction

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
DES-OE-0102.2 (REV 3/2011)

D DVBE

SB Small Business

Bidder Name: C. Overaa & Co.

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.

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 4: Description of Subcontracted Work

Column 1: Business Name and Location	Column 2: Bid Item	Column 3: Bid Amount	Column 4: Description of Subcontracted Work
D DVBE Trucking Campbell	38 (Partial) 39 (Partial) 40 (Partial)	3% *	Trucking ✓
D Dig Backhoe Vicaville	86 (Partial)	.3%	Building structural excavations, backfill & subbase ✓
Carone + Co. Concord	38 (Partial) 39 (Partial) 40, 50, 51, 52, 53, 54, 55	14%	Horizontal soil exp ✓ Impacted bench ✓ Class 3 Agg base ✓ Hot mix asphalt ✓ Paving sandstone ✓ Road base ✓ As. Paving ✓ Prime coat ✓ site utilities ? ✓
Bailey Fence Hayward	74, 75, 76, 77, 78	.9%	chain link fence ✓ security metal fence high top ✓

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION

SUBCONTRACTOR LIST

DES-OE-0102.2 (REV 3/2011)

Bidder Name: C. Overaa & Co.

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. 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 4: Description of Subcontracted Work

Column 1: Business Name and Location	Column 2: Amount	Column 3: Percentage	Column 4: Description of Subcontracted Work
Bortolussi + Watkin, Inc San Rafael ✓	42, 43, 44, 45, 46, 47, 48	1.2% *	Landscape restoration
Foundation Constructors Oakland ✓	56, 57, 58, 59, 60, 61	4.5%	piles
BCT Berkeley ✓	86 (Partial) 69, 70	1.2%	site concrete
Harris Salinas Livermore ✓	86 (Partial)	1.3%	Reten.
Kings Roofing Paterson CRC Roofing - SAC ✓	86 (Partial)	2%	Roofing

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-88, Sacramento, CA 95814.

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
CERTIFIED DVBE SUMMARY
 DES-06-0102.5 (REV 3/2008)

Second Bidder

**EXHIBIT
 #2**

DISTRICT-COUNTY-ROUTE: 04 - Ala - 80
 CONTRACT NO.: 04-014084
 TOTAL BID: \$31,313,000
 BID OPENING DATE: January 16, 2013
 BIDDER'S NAME: C. Overaa & Co
 DVBE PRIME CONTRACTOR CERTIFICATION: N/A

Bid Item Number	Description of Work to Be Subcontracted to DVBE or Materials to Be Supplied by DVBE ¹	For Caltrans Only	DVBE (Name, Telephone No., and Certification No.)	\$ Amount
38 (Partial), 39 (Partial) 40 (Partial)	Trucking		DVBE Trucking & Construction Co 408-971-4430 #41891	\$95,000 *
86(Partial)	Building Structural Excavation, backfill & subbase		Brian L Platt dba IDIG Backhoe Service 707-451-2757 #217	\$92,000
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 (Pub Cont Code § 4100 et seq.) submitted with the bid. Identify second and lower tier subcontractors on this form.				\$ Cont. _____ Total Claimed Participation _____%

1. DVBE prime contractors must enter their DVBE reference number or their DBA name as listed with Department of General Services (DVBE prime contractors are created with 100 percent DVBE participation and need not complete the above table).

2. If 100% of an item is not performed or supplied by the DVBE, describe the exact part, including the planned location of work to be performed, of item to be performed or supplied by DVBE.

[Signature] 1/16/2013
 Signature of Bidder Date
 570-254-0926
 (Area Code) Telephone Number

Submit to:
 MSC 43
 OFFICE ENGINEER
 DEPARTMENT OF TRANSPORTATION
 1727 30TH STREET
 SACRAMENTO, CA 95816-7005

Larrye Etcheverry
 Contact Person (Type or Print)

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
CERTIFIED SMALL BUSINESS LISTING FOR THE NON-SMALL BUSINESS PREFERENCE
 DES-OE-0102.0 (REV 2/2011)

BIDDER NAME C. Overaa & Co. CONTRACT NO. 04-014084

List the description of work, name, telephone number, certification number, and dollar amount of each certified small business who will be employed on this project. Failure to provide this information may be cause for denial of the non-small business subcontractor preference. Attach additional sheets if necessary.

Submit to:
 MSC 43
 OFFICE ENGINEER
 DEPARTMENT OF TRANSPORTATION
 1727 30TH STREET
 SACRAMENTO, CA 95818-7005

**EXHIBIT
 #3**

Bid Item Number	Description of Work, Service, or Materials	Certified Small Business (Name, Telephone No., and Certification No.)	\$ Amount
38 (Partial) 39 (Partial) 40 (Partial)	Trucking	DVBE Trucking & Construction Co., Inc. 408-971-4430 #41891	\$95,000 *
86 (Partial)	Building Structural Excavation, backfill & subbase	Brian Platt dba IDIG Backhoe Service 707-451-2757 #217	\$92,000
42, 43, 44, 45, 46, 47, 48	Landscape & Irrigation	Bortolussi & Watkin Inc. 415-453-4675 #1732424	\$370,000 *
86 (Partial)	Glass & Glazing	Architectural Glass Systems Inc. 916-374-0376 #1219320	\$828,000
86 (Partial)	Drywall & Metal Studs	Denham Contracting Inc. 925-513-7127 #1730006	\$1,520,000

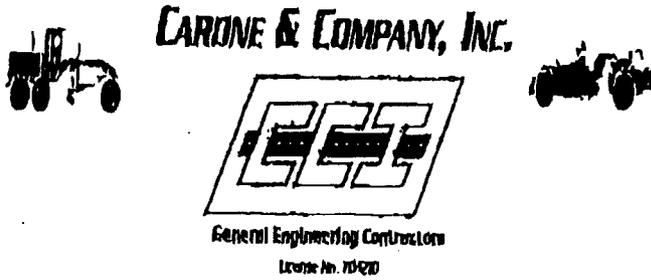
Larry Etcheverry § Cont.
Person to Contact (Please Type or Print)
 510-234-0926 Total Claimed Participation _____ % of Contract
(Area Code) Telephone Number

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01-13-13 A08:43 RCVD



EXHIBIT #4



5009 Ford Drive, Suite A • Concord, CA 94520-1275 • Phone: (925) 602-8800 • Fax: (925) 602-8801

Cal Trans Oakland Bay Bridge Maintenance Facility Scope Letter

Carone and Company will furnish all equipment Labor and Materials for the following:
Item's No. 3,11,12,13,14,15,16,19,20,29,30,31,36,37,38,39,40,50,51,52,53,54,55,65,66,67.

Partial No. 86 will include the following items:

- 86A Finish Grade S.W. around Building and Placement of Base rock for Concrete Contractor
- 86B Sanitary Sewer outside of Building and to within 5' of Building Incls. Lift stations
- 86C Fire Water as shown on sheets MP01 & MP02 outside of Building within 5'
- 86D Domestic Water Outside of Building
- 86E Reclaimed Water Outside of Building
- 86F Rain Leaders up to Building
- 86G Sand Oil Separator

All items are complete and ready for Plumbers hookup.

Sewer Lift Stations 2 Ea.

Testing and soil Analysis

Exclusions:

Electrical for Sewer Lift Stations

No Matting or Hydro seeding

Water supply by others

Bonds, Fees, Permits

Surveyor Staking

Base Rock sand or membrane under Electrical Pad or Building Pad

Excavation for tanks or Pits

Structural Excavation or Backfill or Backfilling of Planters

Bollards

Site security or fencing

Signs, Stripping or Bumpers

Removal of Dirt Spoils from other Trades

Grading, Rock or Paving in inclement weather

The General May elect to deduct these Item no's. 3,16,29,86A

Trench work for Other trades
De-Watering for Others, but we will leave treatment facilities for one year
Patch Paving for other Trades
Dust Control for other Trades
Sweeping is for our work only
Drainage Inlets or Aprons for same covered in Minor Concrete Item

Thank you, Fred McDonald



CARONE & COMPANY, INC.



General Engineering Contractors

License No. 704210

5009 Forni Drive, Suite A • Concord, CA 94520-1209 • Phone: (925) 602-8800 • Fax: (925) 602-8811

Cal trans Bay Bridge Maint. Facility					
Item No.	Description	Unit	Quantity	Unit Price	Item Total
3	Dewatering and Non-Stormwater Discharge Control	LS	1	95000.00	95,000.00
11	Temporary Cover	SQYD	600	9.00	5,400.00
12	Drainage Inlet Protection	EA	5	500.00	2,500.00
13	Temporary Fiber Roll	LF	8000	3.00	24,000.00
14	Temporary Silt Fence	LF	2000	3.00	6,000.00
15	Temporary Construction Entrance	Ea	2	4500.00	9,000.00
16	Street Sweeping	LS	1	70000.00	70,000.00
19	Abandon Culvert	LF	20	10.00	200.00
20	Abandon Inlet	EA	1	500.00	500.00
29	Remove High Mast Light Pole Foundation	Ea	4	3841.00	15,364.00
30	Remove Water Valve	EA	4	200.00	800.00
31	Remove Base and Surfacing	CY	8600	14.00	120,400.00
36	Remove Concrete	CY	30	50.00	1,500.00

37	Clear and Grubb	LS	1	250000.00	250,000.00
38	Roadway Excavation Class 2	CY	8080	58.00	484,800.00
39	Roadway Excavation Type H	CY	18910	155.00	2,931,050.00
40	Imported Borrow	TON	17800	8.00	142,400.00
50	Class 3 Agg Base	CY	4630	44.00	203,720.00
51	Hot Mix Asphalt Type A	TON	17100	96.00	1,641,600.00
52	Geo synthetic Pavement Interlayer	SQYD	2710	3.00	8,130.00
53	Rumble Strip	STAS	4.4	800.00	3,520.00
54	Place Hot Mix Asphalt dike	LF	150	20.00	3,000.00
55	Liquid Asphalt Prime Coat	TON	67	1000.00	67,000.00
65	12" Alternative Pipe Culvert	LF	1250	25.00	31,250.00
66	18" Alternative Pipe Culvert	LF	820	30.00	24,600.00
67	24" Alternative Pipe Culvert	LF	520	48.00	24,960.00
86	Building Work	LS	1		
86A	Finish Grade and Place Base Rock around Building for Walks	LS	1	32000.00	32,000.00
86B	Sanitary Sewer Outside of Building	LS	1	175000.00	175,000.00

Exc: Load only
\$12.00 C.Y.

ITEMS
38, 39, 40, 50, 51, 52,
53, 54 & 55
TOTAL
\$5,485,220.00

Received

Jan 29 2013 01:23pm

01/Jan. 29. 2013 1:32PM

5602

F&H Const. - Estimating Dept.

SHAWNEE AND COMPANY

No. 4614

P. 12/16
PAGE 03/05

86C	Fire Water as shown on sheets MP01 & MP02 Outside of Building	LS	1	205000.00	205,000.00
86D	Domestic Water Outside of Building	LS	1	15000.00	15,000.00
86E	Reclaimed Water Outside of Building	LS	1	28000.00	28,000.00
86 F	Rain Leaders up to Building	LS	1	26000.00	26,000.00
86G	Sand Oil Separator	LS	1	57000.00	55,000.00
	Total Bid				6,702,694.00

No. 4614 P. 13/16
EXHIBIT #5

BAILEY FENCE COMPANY, INC.
3205 Baumberg Ave. Hayward, CA, 94545
TEL (510) 783-2980 Fax (510) 783-2989
Email: baileyfenceco@hotmail.com
CSL# 498661 C 13

BID FORM

BID DATE: 1-16-2013 TIME:
PROJECT NAME: SAN FRANCISCO OAKLAND BAY BRIDGE MAINTENANCE YARD PROJECT
LOCATION: OAKLAND
SECTION: (s) TRADES: SECURITY METAL FENCE AND GATES
PLANS/SPECS: 10-1.48, Remove Chain Link Fence page 129, Hardware, Door hardware schedule door 163
PAGE # (s) L1, L2, Q1, Q2, A85, C18, C19

DETAILS:
FURNISH & INSTALL YES FOB JOB SITE INSTALL ONLY TAX INCLUDED YES
ADDEMDI/BULLETIN: 1 2 3
UNION YES PREVAILING WAGE YES BONDABLE YES BOND RATE: 3% (not included) WAIVER OF SUBROGATION

BID INCLUDES:

Item no. 21... Item Code: 150608... Remove Chain Link Fence, 5740' LF.....	LUMP SUM.....	\$12,600.00
Item no. 22... Item Code: 150620... Remove Gate, EA	LUMP SUM.....	\$ 400.00
Item no. 74... Item Code: 800360... Chain Link Fence (Type-CL6), 39' LF.....	Unit Price	\$59.62
.....	LUMP SUM.....	\$ 2,325.00
Item no. 75... Item Code: 025042... Security Metal Fence, 4390' LF.....	Unit Price	\$55.22
.....	LUMP SUM.....	\$242,415.00
Item no. 76... Item Code: 025043... 18' Security Metal Sliding Gate (2) EA.....	Unit Price	\$10,250.00
.....	LUMP SUM.....	\$20,500.00
Item no. 77... Item Code: 025044... 35' Security Metal Sliding Gate (1) EA.....	Unit Price	\$16,900.00
.....	LUMP SUM.....	\$16,900.00
Item no. 78... Item Code: 025045... 3' Security Metal Swing Gate (1) EA.....	Unit Price	\$3,300.00
.....	LUMP SUM.....	\$3,300.00

NOTE:

- Bailey Fence will haul dirt to a contractor Debris box, left on site and remove and pay by Contractor.
- Item no. 76 and 77, Security Metal Sliding Gates, no rebar cages on V-Track, and since no detail on V-track concrete track to be approximately 74' LF x 12" wide x 14" deep.
- Exclude Automatic Gate Operators

EXCLUSIONS & CLARIFICATIONS:

BID IS BASED ON: INSTALLATION OF FENCE POSTS PRIOR TO CONCRETE, LANDSCAPING OR ANY OTHER TRADES THAT RESTRICTS OR AFFECTS ACCESS. WE ASSUME NO RESPONSIBILITY FOR UNMARKED UNDERGROUND UTILITIES (WATER, ELECTRICAL, TELEPHONE, GAS, SEWER ETC.) CLEARING, GRUBBING, SURVERY, ELECTRICAL GROUNDING TO BE BY OTHERS.

BID SUBMITTED BY: SAL MARTINEZ

DATE: 01-16-2013



01162013TollPlazaSubBid.xls

BID FAX

EXHIBIT #6

BORTOLUSSI & WATKIN, INC.

General Landscape Contractors

77 LARKSPUR STREET, SAN RAFAEL, CALIFORNIA 94901-4886 LIC. # 962905 C-27
 (415) 453-4675 FAX (415) 453-2978
 DGS, Small Business # 1732424, Expires: 2/28/2014

Bids: 1/16/2013
 Time: 2:00 PM

SUB-BID SUBMITTAL
 STATE BUILDING CONSTRUCTION AT BAY BRIDGE MAINTENANCE YARD
 CALTRANS 04-014084

Item	Item Code	Item	Unit Of Measure	Estimated Quantity	Unit Price (In Figures)	Total (In Figures)
42	200001	HIGHWAY PLANTING	LS	LUMP SUM	LUMP SUM	76,000.00
43	204099	PLANT ESTABLISHMENT WORK	LS	LUMP SUM	LUMP SUM	6,804.00
44	208000	IRRIGATION SYSTEM	LS	LUMP SUM	LUMP SUM	236,000.00
45	208301	IRRIGATION CONTROLLER ENCLOSURE CABINET	EA	1	1,800.00	1,800.00
46	208310	IRRIGATION SLEEVE	LF	97	25.00	2,425.00
47	026041	6" CORRUGATED HIGH DENSITY POLYETHYLENE	LF	770	46.00	35,420.00
48	208739	10" CORRUGATED HIGH DENSITY POLYETHYLENE	LF	280	50.00	14,000.00

TOTAL BID 370,449.00

(Handwritten initials)

Items listed above constitute our base bid and must be taken as a whole - no splitting of bid

EXCLUSIONS, QUALIFICATIONS, & CONDITIONS

- 1 Percent retained from our payments to equal General Contractor's percent retained by owner.
- 2 B&W needs 100 Working Days for Construction, 15 GERMINATION, and 250 for Plant Establishment.
- 3 Lane &/or ramp closures for IRRIGATION crossovers to be done when Gen. has lanes or ramps closed, otherwise closures by others.
- 4 B&W shall install IRRIGATION Sleeve before any Paving, base, or resurfacing (by others).
- 5 No pavement removal or replacement. No sawcutting, No patching, No temporary paving.
- 6 No clearing, grubbing, or tree removal is included. No tree protection.
- 7 Grades and/or subgrades to ±0.1' by others.
- 8 No soil removal, no import soil, no hazardous materials handling or removal.
- 9 We are signatory with the Laborers, Operators, and Plumbers Unions.
- 10 No bond is included with the bid. B&W bond rate is 1.25%.
- 11 No insurance requirements beyond what is required by Caltrans Standard specs.
- 12 No railroad requirements. No Builders Risk.
- 13 We must be notified in writing within 5 working days of damage to work of others by our forces.
- 14 There shall be no repairs of damage to work by others at our expense without prior written approval.
- 15 This proposal shall be included as an attachment to the subcontract.
- 16 This bid includes planting and irrigation only, no hardscape, paving, grading, demolition, or walls.
- 17 No erosion control or maintenance of erosion control items.
- 18 Bid includes irrigation and planting costs for the contract working day limit ONLY.
- 19 Additional maintenance costs due to contract extension or suspension or delays are excluded.
- 20 Water service & meters by others. Electric Service & pull boxes by others.
- 21 No surveying and pruning
- 22 Addendum Noted: 3

If items are not legible or you have any questions please call or FAX us.
 Juan Maravilla 415-453-4675 x150



FOUNDATION CONSTRUCTORS, INC.

MAIN OFFICE: P.O. BOX 97, OAKLEY, CA 94561 - TELEPHONE (925) 754-6633 - FAX (925) 625-5783 Contractor Lic. No. 327761A



Piles

NO. CALIFORNIA (925) 754-6633
SO. CALIFORNIA (909) 350-1584
TOLL FREE U. S. (800) 841-8740

PILE DRIVING PROPOSAL

CONSTRUCT SFOBB MAINTENANCE COMPLEX 04-014084

RE: PW# 345-12

ALAMEDA, CA

PAGE 1 OF 2

ATTN: ESTIMATORS

OUR PROPOSAL IN ITS ENTIRETY SHALL BECOME A PART OF THE SUBCONTRACT AGREEMENT SHOULD WE BE THE SUCCESSFUL LOW BIDDER ON THIS PROJECT. ANY CONFLICT BETWEEN THESE CONDITIONS AND THE SUB CONTRACT AND THESE CONDITIONS SHALL PREVAIL.

WE PROPOSE TO FURNISH ALL MATERIALS, LABOR, AND EQUIPMENT AND DRIVE THE FOLLOWING

ITEM	DESCRIPTION	ESTIMATED QUANTITY	UNIT PRICE	TOTAL
58	DRIVE PILE (CLASS 140 ALT X)	8 EA	\$2,500.00	\$20,000.00
57	DRIVE PILE (CLASS 90 ALT X)	308 EA	\$2,500.00	\$770,000.00
58	DRIVE IND PILE (CLASS 90 ALT X)	8 EA	\$6,000.00	\$38,000.00
59	FURNISH IND PILE (CLASS 90 ALT X)	698 LF	\$14.00	\$9,772.00
60	FURNISH PILING (CLASS 140 ALT X)	826 LF	\$14.00	\$11,564.00
61	FURNISH PILING (CLASS 90 ALT X)	38,550 LF	\$14.00	\$511,700.00
86	BUILDING WORK (OUR MOB/FIXED COSTS)	LS		\$100,000.00
TOTAL				\$1,459,036.00

WE INCLUDE:

1. 1 MOBILIZATION (CRANE WILL REMAIN ON SITE BETWEEN INDICATORS AND PRODUCTION PHASES)
2. FURNISH & INSTALLATION OF 8 CLASS 140 PILES
3. FURNISH & INSTALLATION OF 308 CLASS 90 PILES
4. FURNISH & INSTALLATION OF 8 CLASS 90 INDICATOR PILES
5. PREDRILLING (STOCK PILE AND REMOVAL BY OTHERS)
6. DRIVEABILITY ANALYSIS

WE EXCLUDE:

1. NOISE & VIBRATION MONITORING
2. LOCATION AND PROTECTION OF UTILITIES
3. DAMAGE TO ADJACENT STRUCTURES DUE TO PILE DRIVING
4. SURVEY, LAYOUT, AND AS-BUILTS
5. TRAFFIC CONTROL
6. STOCK PILE & REMOVAL DRILL SPOILS
7. SPECIAL TRAINING TO HANDLE CONTAMINATED SPOILS

QUALIFICATIONS:

1. ALL OVERHEAD (INCLUDING WIRES) AND UNDERGROUND OBSTRUCTIONS WILL BE REMOVED BY OTHERS PRIOR TO MOBILIZATION.
2. FLAT, LEVEL, ALL WEATHER ACCESS FOR OUR CRANES, FORK LIFTS, AND PILING TRUCKS WILL BE BY OTHERS.
3. PRICE BASED ON DRILLING AND DRIVING PILES AFTER CONTAMINATED SOILS HAS BEEN REMOVED.



FOUNDATION CONSTRUCTORS, INC.

PW NO. 116-12
PAGE 2 OF 2

This proposal is subject to the following conditions:

1. Prime contractor/owner shall provide at no cost to ourselves:
 - a. Suitable all weather roadways with level access and minimum 45 feet wide work areas. All reaches are not to exceed 30 feet from center-pin to all pile locations for our truck/crawler crane without the use of mats. Stock pile areas for materials will also be needed.
 - b. Protection of adjacent properties and hold us harmless, except for our negligence, from damages caused by pile driving vibration.
 - c. Location and protection of utilities during pile driving operations.
 - d. Establish and maintain pile layout and levels.
 - e. Testing and inspection services, pile driving record keeping, all engineering and design, and outside plant inspection.
 - f. Public safety measures including flagmen and barricades, shoring or sloping shall be in accordance with O.S.H.A. and F.C.I. requirements.
 - g. Permits.

2. Prime contractor shall remove at no cost to ourselves:
 - a. Any man-made or placed obstructions overhead or underground that interfere with pile driving operations, and pay our delay and/or extra work costs caused thereby. Unless otherwise agreed, excavation will be done to pile out-off prior to pile driving.
 - b. Pile cut-offs and pile cut-off debris.
 - c. Pre-drill spoil and water.

3. Prices are based on:
 - a. Driving all piles in 1 continuous operation(s) in the most efficient sequence and include(s) 1 single rig mobilization(s) and demobilization(s) of equipment. The price for an additional mobilization and demobilization of equipment shall be the lump sum of \$ 55,000.00. Extra work or delay time at \$ 980.00 Per Pile driver hour. All back charges/claims must be signed by both parties.
 - b. Our providing only the following insurance coverage for our operations in the following amounts:
Workman's Comp.: Statutory BI: \$ 1,000,000.00, PD: \$ 1,000,000.00.
 - c. Our performing our work under accepted prevailing local union labor conditions. Any costs to us caused by your non-compliance with union conditions shall be for your account.
 - d. Our working the standard shift Monday through Friday.
 - e. Should local noise abatement regulations require us to work premium or shortened driving shifts, equipment modifications, change of operating methods, etc., we shall be reimbursed for our added costs.
 - f. All pile locations must be a minimum of 30" from any non-removable structure to center of pile

4. Prices do NOT include the following:

<ol style="list-style-type: none"> a. Cost of any payment and/or performance bond. b. An as-built drawing. c. Pile extensions or apices. d. Pile cut offs and stockpiling of pile cut offs. e. Any liability for liquidated damages and liability for delays beyond our control to job schedule. Job schedule must be accepted by us in writing. We estimate that we can start 180 days after receipt of subcontract, approved shop drawing, notice to proceed and materials. f. Excavation and dewatering. g. Bending of any rebar/Dowels 	<ol style="list-style-type: none"> h. Indemnification - Each party will defend, indemnify and hold the other party harmless from all claims, litigation, expenses, losses, including attorney fees, suffered or threatened to be suffered, by the other party caused by the misconduct, negligence, fault or wrongdoing of the party arising out of or related to the parties' performance of work called for in the subcontract, if the parties are both at fault, then the obligation to defend and indemnify shall be proportionate to their respective fault. i. Any pile that is broken or destroyed by overdriving ordered by the owner/engineer shall be paid for as a completed pile.
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5. Payment for 90% of the work completed the preceding month shall be received by the 10th of the following month and payment in full shall be made within 30 days after the piles have been installed. A charge of 1 1/2 % per month (18% per year) will be charged on past due accounts. Payment in full shall be made if a break in the continuity of the work exceeds thirty-five (35) days.

Thank you for the opportunity of quoting on this work. This proposal is made, in duplicate, for your acceptance within 30 days.

Accepted: _____
Company

By: _____
Authorized Signature Title

Date: _____

Respectfully submitted,
Foundation Constructors, Inc.

By: _____
Mike Lindsay, Vice President/ Chief Estimator



Fax

To: Mr. John McMillan
Deputy Division Chief
Caltrans

From: Stephen Seibly – Secretary/Treasurer

Fax: (916) 227-6282

Pages (including cover) 16

cc:

Date: January 29, 2013

Re: Bid Protest - Caltrans Contract No. 04-014084 – Construction on State Highway in Alameda County
at the San Francisco – Oakland Bay Bridge Maintenance Yard

Urgent

For Review

Please Comment

Please Reply

Request Bid

• **Comments:**

Please see enclosed added backup to second protest of C. Overaa & Co bid for the Caltrans Contract No. 04-014084 that bid on January 18, 2013.

Please feel free to contact me if you have any questions or comments.

Thank you.

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

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

Feb 1 2013 01:40pm

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
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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
PHONE (916) 227-6280
FAX (916) 227-6282
TTY 711



*Flex your power!
Be energy efficient!*

February 1, 2013

Facsimile: (510) 237-2435

Larry Etcheverry, Vice President
C. Overaa & Co.
200 Parr Boulevard
Richmond, CA 94801

04-014084
04-Ala-80-2.2
B.O. 01/16/2013

Dear Mr. Etcheverry:

The Department of Transportation (Caltrans) received the enclosed letter dated January 29, 2013, from F&H Construction (F&H) protesting C. Overaa & Co.'s (Overaa) bid. The protest alleges that the percentage of bid items is incorrect in Column 3 of Overaa's Subcontractor List. Specifically, Overaa listed DVBE Trucking & Construction for 0.3 percent of bid items 38, 39 and 40, and listed Bortolussi & Watkin, Inc. for 1.2 percent of bid items 42, 43, 44, 45, 46, 47 and 48.

F&H is requesting that Caltrans reject Overaa's bid as nonresponsive and award the contract to F&H.

Please provide your response to F&H and Caltrans no later than February 4, 2013.

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

(1) F&H's 3rd protest regarding percentage of bid items