

**DEPARTMENT OF TRANSPORTATION**

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER, MS 43

1727 30<sup>th</sup> 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!*

August 12, 2013

Facsimile: (707) 996-6641

Douglas Hanford, President  
Hanford Applied Restoration & Conservation  
23195 Maffei Road  
Sonoma, CA 95476

04-1123H4  
04-SM-1-38.2/39.7  
B.O. 06/11/2013

Dear Mr. Hanford:

The Department of Transportation (Caltrans) received the attached protests from Hanford Applied Restoration & Conservation (Hanford) for contract 04-1123H4 on July 2, 2013 and August 2, 2013. The protest alleges that Empire Landscaping listed for credit on its Disadvantaged Business Enterprise (DBE) Summary form Labatts Tree Service to provide a material supply (mulch) and received 100 percent credit in lieu of the 60 percent supplier allowance. A second protest was submitted for Natures Image, Inc., alleging that Natures Image failed to meet the DBE goal and failed to solicit DBE participation.

The Office of Business and Economic Opportunity's, Contract Evaluation Unit (CEU) reviewed the DBE documentation and quotes provided by Empire, as well as this protest and determined that Empire did meet the requirements, and DBE goal for this contract.

This contract was awarded to Empire Landscaping on July 1, 2013. Caltrans does not accept or review protest(s) after contract award.

If you have any questions, please contact Mulissa Smith, Contract Awards 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



Hanford ARC

FAX

To: Renee SMITH From: KEVIN HEDDY  
 Fax: (916) 227-6282 No. of Pages (including cover): 20  
 Phone: \_\_\_\_\_ Date: 8/2/13  
 Re: 04-1123 H 4

COMMENTS:

Per our Phone CONVERSATIONS  
SEE Attached

- o COVER LETTER
- o Fed Ex MAIL Confirmation
- o FAX Copy of Protest w/ FAX Activity REPORTS.

STREAMS ^ WETLANDS ^ PARKS  
RESTORATION & CONSTRUCTION

# HANFORD

— A.R.C. —

LANDSCAPE · ENGINEERING

August 2, 2013

VIA FAX: 916-227-6282

California Department of Transportation  
Division of Engineering Services  
Attn: Renee Smith / Contract Awards & Services  
1727 30<sup>th</sup> Street  
PO Box 168041  
Sacramento, CA 95816-8041

RE: 04-1123H4  
Formal Bid Protest – of Natures Image Inc. & Empire Landscape in regard to DBE goal  
Bid Date: June 11<sup>th</sup>, 2013

Dear Renee:

Hanford Applied Restoration & Conservation had submitted a letter of bid protest to CalTrans Department of Engineering via facsimile and FedEx overnight. As of today August 2, 2013 we have not received a formal response. Will CalTrans be responding to our Protest?

CalTrans was contacted via telephone on Monday July 8<sup>th</sup> regarding the status of the protest with no reply. CalTrans Department of Engineering was contacted again via telephone on July 10<sup>th</sup> and confirmed receipt of the letter of protest. It was stated during the phone call that CalTrans did receive the letter of protest, and the letter was being reviewed by a lawyer. Attached is the back-up information regarding the submittal of our protest.

Sincerely,



Kevin Heddy  
Estimator  
Hanford ARC

Enclosure

LIC. NO. 461167

23195 Maffei Road  
Sonoma, CA 95476  
Tel: 707 996 6633  
Fax: 707 996 6641

www.hanfordarc.com

**Ex** NEW Package Express US Airbill

FedEx Tracking Number 8032 8846 8491

Sender's Copy

1. Please print and print hard.

Date: 7-3-13 Sender's FedEx Account Number: 1553-0755-2

Sender's Name: KEVIN HEDDY Phone: 707 774-5310

Address: HANFORD ARC

Street: 23195 MAFFEI ROAD

City: SONOMA State: CA ZIP: 95476

Internal Billing Reference

Internal Billing Reference: OFFICE ENGINEER MS43 Phone: 916 227-6300

Company: CALIF. Department of Transportation

Address: Div. of Engineering Services

Street: 1727 30th Street

City: SACRAMENTO State: CA ZIP: 95816-8041

4 Express Package Service

NOTE: Service order has changed. Please confirm carefully.

Package up to 100 lbs. For packages over 100 lbs, use the next higher service order.

Next Business Day

- FedEx First Overnight
FedEx Priority Overnight
FedEx Standard Overnight

2 or 3 Upcoming Days

- FedEx 2Day A.M.
FedEx 2Day
FedEx Express Saver

5 Packaging

- FedEx Envelope
FedEx Pak
FedEx Box
FedEx Tube
Other

6 Special Handling and Delivery Signature Options

- SATURDAY Delivery
No Signature Required
Direct Signature
Indirect Signature
Does this shipment contain dangerous goods?

7 Payment \$/lb

- Payment Method: Recipient, Third Party, Credit Card, Cash/Check

Total Packages: 1 Total Weight: 1 lbs Total Declared Value: \$ 644

Easy new Peel-and-Stick airbill. No pouch needed. Apply airbill directly to your package. See it on our website.

Your liability is limited to USD 100 unless you declare a higher value. See back for details. By using this airbill you agree to the service conditions on the back of this label and in the current FedEx Service Guide, including limits on our liability.



Hanford ARC

FAX

To: CALTRANS / Division of Engineering Serv. From: HANFORD Applied Restoration & Conservation  
Fax: (916) 227-6782 No. of Pages (including cover): 11

Phone: \_\_\_\_\_ Date: 7/2/13

Re: Caltans project 04-1123 H4 Protect of EMPIRE LANDSCAPING INC.

COMMENTS:

See Attached :

To be delivered to OFFICE ENGWEER MS43



**FAXED**  
7/2/13

15:40

STREAMS - WETLANDS - PARKS  
RESTORATION & CONSTRUCTION

08/02/2013 11:45 FAX 707 996 8841  
 07/02/2013 15:46 FAX 707 996 8841

Received

HANFORD ARC  
 HANFORD ARC

Aug 2 2013 11:49am

005/022  
 001

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 \*\*\* ACTIVITY REPORT \*\*\*  
 \*\*\*\*\*

ST. TIME	DESTINATION TEL/ID	NO.	MODE	PGS.	RESULT
*06/26 10:53	7079964696	5072	AUTO RX ECM	2	OK 00'30
*06/26 16:45		5073	AUTO RX ECM	1	OK 00'36
*06/27 09:36		5074	AUTO RX ECM	1	OK 00'33
*06/27 10:20	7636964	2165	TRANSMIT ECM	2	OK 01'09
*06/27 11:31		5075	AUTO RX ECM	1	OK 00'27
*06/27 12:27	8964696	2168	TRANSMIT ECM	2	OK 00'18
*06/28 09:55	707 996 0910	5076	AUTO RX ECM	1	OK 00'37
*06/28 11:03	58	5077	AUTO RX ECM	2	OK 00'33
*06/28 11:19	7079964696	5078	AUTO RX ECM	2	OK 00'21
*06/28 15:58	7075427017	5079	AUTO RX ECM	1	OK 00'39
*06/28 16:19	5427017	2167	TRANSMIT ECM	1	OK 00'38
06/28 19:51		5080	AUTO RX G3	3	OK 03'22
07/01 03:37		5081	AUTO RX	0	NG 00'37
07/01 03:39	4062558525	5082	AUTO RX ECM	2	OK 00'40
07/01 08:44	303 307 0703	5083	AUTO RX ECM	1	OK 00'36
07/01 09:38	707 224 5932	5084	AUTO RX ECM	2	OK 00'28
07/02 11:00		5085	AUTO RX G3	1	OK 00'43
07/02 15:05	7075233122	5086	AUTO RX ECM	1	OK 00'17
07/02 15:40	19162278282	2168	TRANSMIT ECM	11	OK 02'48
07/02 15:43	19162278282	2169	TRANSMIT ECM	6	OK 01'58

*[Handwritten signature]*



Hanford ARC  
23185 Maffei Rd Sonoma, CA95476  
707 996-6633 TEL  
707 996-8841 FAX

# LETTER OF TRANSMITTAL

STATE CONTRACTORS  
LICENSE NO. 757497

DATE: 7/2/13	JOB NO. 04-1123H4
ATTENTION: OFFICE ENGINEER MS43	
RE: Project 04-1123H4	
Bid Protest of Empire Landscaping Inc.	

VIA FAX (916) 227-6287  
 CALIFORNIA Department of Transportation  
 Division of Engineering Services  
 OFFICE ENGINEER MS43  
 1227 30th St.  
 SACRAMENTO, CA 95816-8041

- WE ARE SENDING THE FOLLOWING ITEMS VIA:
- Attached
  - Under separate cover
  - Shop drawings
  - Prints
  - Plans
  - Samples  Spec.'s
  - Copy of letter
  - Change order

COPIES	DESCRIPTION
1	HANFORD Applied Restoration & Conservation's Letter of Protest of Empire Landscaping Inc.
	REF PROJECT # 04-1123H4
1	Sub Contractor List Notated
1	DBE Commitment
1	LABAT'S Tree Care Quote
1	Attachment A

- THESE ARE TRANSMITTED as checked below:
- For approval
  - For your use
  - As requested
  - For review and comment
  - PRINTS RETURNED AFTER LOAN TO US
  - Approved as submitted
  - Approved as noted
  - Returned for corrections
  - 
  - Resubmit
  - Submit
  - Return
- FOR BIDS DUE \_\_\_\_\_

REMARKS:

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COPY TO: Doug HANFORD, MARK Cederberg

SIGNED:

# HANFORD

A.R.C.

LANDSCAPE · ENGINEERING

July 2, 2013

VIA FAX (916) 227-6282 & OVERNIGHT

California Department of Transportation  
Division of Engineering Services  
Attn: Office Engineer, MS 43  
1727 30<sup>th</sup> Street  
Sacramento, CA 95816-8041

RE: 04-1123H4 Formal Bid Protest - Bid Date: June 11<sup>th</sup>, 2013

To whom it may concern:

After review of the bid package submitted by Empire Landscaping Inc. "(ELI)" for the above referenced project, please accept this letter as Hanford Applied Restoration & Conservation's "(HARC)" formal protest on the grounds that ELI failed to submit a responsive bid in the following ways:

### Empire Landscaping Inc. - Reasons for nonresponsive bid

1. Improper credit listed for DBE material provider, therefore inflating total DBE percentage and failing to meet DBE goal of 3%.
2. Failing to submit DBE good faith efforts and therefore no way of determining that the Good Faith Effort generated by others contributed to DBE proposals delivered to ELI.

### ITEM #1

Line Item 15 Mulch, was calculated by ELI to be a 100% credit towards DBE participation. The subcontractor that submitted this pricing was Labat's Tree Care; which also submitted a quote to HARC. After conversations with Labat's Tree Care, HARC has confirmed that pricing on Line Item 15 Mulch is a 100% material price for mulch only (no labor included). Due to the above referenced information and attached letter from Labat's Tree Care (Attachment A) ELI's DBE percentage ought to be revised to reflect this discrepancy.

Bid Item #	Item of Work & Description	Name of DBE	Dollar Amount DBE
15	520 CY of Mulch (material only)	Labat's Tree Care	\$19,760*0.6= \$11,856.00
13	Roadside Clearing	Labat's Tree Care	\$33,600.00
5	Prepare SWPPP	Tully Consulting	\$2,600.00
8	Storm water annual report	Tully Consulting	\$500.00
			\$48,556.00

Total participation % of \$1,729,824 is **2.8%**

According to the U.S. Department of Transportation 49 CFR 26.55 "if the materials or supplies are purchased from a DBE regular dealer, count 60 percent of the cost of the materials or supplies toward DBE goals."

23185 Maffel Road  
Sonoma, CA 95476  
Tel: 707 996 6633  
Fax: 707 996 6641

LIC. NO. 461167

## ITEM #2

ELI failed to submit documents as required with their DBE good faith effort/goal therefore failing to meet the DBE good faith effort for this project.

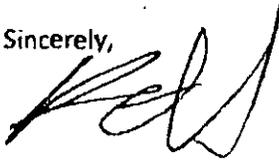
- a. Document DES-OE-0102. 11A items of work offered was submitted blank with the bid book and left out entirely in the published DBE documents.

By failing to submit document DES-OE-0102.11A ELI's DBE effort lists no effort of advertisement, no name of DBE firms that were directly solicited with backup information such as emails, faxes, and phone calls, does not list which items of work were offered to certified DBE firms and does not list the dollar amount made available for DBE firms. By failing to document these efforts it also precluded ELI from compiling a list of companies that provided quotes for solicited DBE work items.

According to ELI's DBE package, they did not solicit this project through all reasonable and available means, did not select portions of work to be performed by DBE's, did not provide DBE's with adequate information about the plans, specifications, and requirements of the contract, and made no effort to assist DBE's in their efforts to obtain necessary bonding, insurance, necessary equipment, supplies, materials, or related assistance or services.

There is no evidence to suggest that the DBE proposals sent to ELI was based on a Good Faith Effort. Furthermore, it is likely and deductible that DBE proposals sent to ELI were initiated by Good Faith Efforts made by other Prime Contractors.

Sincerely,



Kevin Heddy  
Estimator  
Hanford ARC

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
**SUBCONTRACTOR LIST**  
 DEB-DE-0102.2 (REV 3/2011)

Bidder Name: Empire Landscaping 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
Tully Consulting Group Dixon CA	5 8	8 100 % 100	Prepare SWPPP prepare annual report.
Lobot's Tree Care Martinez CA	15 13 partial	8 100 % 50	520 cy mulch with installation Roadside clearing
Mike Brown Elect Cotati CA	47	8 100 % 100	Irrigation submersible pump electrical system

Not Accurate  
 KJF  
 7-2-13

**ADA Notice** For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3882 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

nah

Low (In Bid Book)

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
**CALTRANS BIDDER - DBE - COMMITMENT**  
 DES-OE-D02.10C (NEW 08/2012)

# Low Bidder

This information may be submitted with your bid proposal. If it is not, and you are the apparent low bidder or the second or third low bidder, it must be submitted and received as specified in section 2 of the specifications. Failure to submit the required DBE information will be grounds for finding the bid nonresponsive.

CONTRACT NO: 04-1123H4

INDUMENT: \$ 1,729,894

BID OPENING DATE: June 11, 2013

BIDDER'S NAME: Empire Landscaping Inc

DBE GOAL FROM CONTRACT, %: 3 \$19,760 x 60% = \$11,856

DBE PRIME CONTRACTOR CERTIFICATION: 3 KX 7/21/13

BID ITEM NO.	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED	FOR CALTRANS USE ONLY	NAME OF DBE (Must be certified on the date bids are opened - include Caltrans verification #, DBE address and phone number) (Circle 2nd and last name on subcontractor)	DOLLAR AMOUNT DBE
15	520 cu mulch including installation		Lobat's Tree care	\$19,760
13	Roadside clearing Six man crew with 7 days work		Lobat's Tree care 1351 Vesale Ave Martinez CA DBE # 36466	\$33,600
5	prepare SWPPP		Tully Consulting Dixon CA	\$2,400
8	storm water annual report		Tully Consulting DBE # 38300	\$500

**IMPORTANT:** Identify all DBE firms being allowed for credit, regardless of size. Name of the First Tier DBE (contractors and their respective license) of work items names must be established, where applicable, with the name and level of work in the "Subcontractor List" submitted with your bid. Copies of the DBE question are required.

- DBE prime contractors must enter their certification number and indicate all work to be performed by DBEs including work performed by its own forces.
- If 100% of item is not to be performed or finished by DBE, describe exact portion of item to be performed or finished.
- See section 2-1.12 of the specifications to determine the credit allowed for DBE firms.

Submit to:  
 NBC 43  
 OFFICE ENGINEER  
 DEPARTMENT OF TRANSPORTATION  
 1727 BOTH STREET  
 SACRAMENTO, CA 95816-7008

**\$48,556** ← **\$56,260**  
 Total DBE Participation **KX 7/21/13**  
 Signature of Bidder: [Signature]  
 Date: 8-11-13 530 400-3943  
 Name of Contact: Abmet Gulen (Please Type or Print)  

$$\frac{\$48,556}{\$1,729,894} \times \frac{90}{100} = 2.8\% \leftarrow \text{KX 7/21/13}$$

ADA Notice: For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 664-6410 or TDD (916) 664-3880 at the Records and Forms Management, 1120 N Street, MS-301, Sacramento, CA 95811.

JUN 11 13 12:48a

Labat's Tree Care

02535097110

p.1

Please consider our bid for ALL or ANY of the items below.

June 10, 2013



To whom it may concern;

Please consider our bid for specific portions for the CALTRANS 04-1122H4 CONSTRUCTION ON STATE HIGHWAY IN SAN MATEO COUNTY NEAR PACIFICA FROM 4.7 MILES TO 0.6 MILE SOUTH OF LINDA MAR BOULEVARD

ITEM NO.	ITEM CODE	ITEM DESCRIPTION	UNIT	QTY	UNIT PRICE	TOTAL
1	120080	CONSTRUCTION AREA SIGNS	LS	LUMP SUM		\$3,200.00
9	130620	TEMPORARY DRAINAGE INLET PROTECTION	EA	9	\$600.00	\$5400.00
10	130640	TEMPORARY FIBER ROLL	LF	2,000	\$6.00	\$12,000.00
19	200002	ROADSIDE CLEARING	DAILY	3 MAN CREW	\$3,200 PER DAY FOR VEGETATION SHRUBS, EQUIPMENT, CHIPPER AND HAUL DEBRIS FROM TREES	
13 B	200002	ROADSIDE CLEARING	DAILY	6 MAN CREW	\$4,800 PER DAY SAME AS ABOVE	
15	202011	MULCH	CY	520	\$38.00	\$19,760.00

(17) ✓

- We are fully, licensed, bonded and insured (Workers Comp and General Liability)
- We are a family owned business that has been serving the Bay Area for over 20 years.
- We are licensed under the Contractor State License Board #833299 for:
  - o D49 - Tree Service / C27 - Landscaping / C13 - Fencing
- We are a woman owned business and are certified under the Women's Business Enterprise (Cert #2005108957) QUALIFIES AS UDBE EXP: 09-30-2013
- We hold a Small Business Certification (Cert #0048440)
- We are DBE Certified. (File #38486)
- Annual income is \$150k - \$500k
- We are not union but are willing to sign a one-time agreement if we are chosen. (\$850.00)
- We can provide references upon request.
- Bid Prices Do Not include Traffic Control.
- Bid Prices Do Not include Permits.

Please let us know if you have any questions. We look forward to working with you.

Sincerely,

Cheryl Cole, Owner  
Labat's Tree Care  
1251 Vasco Avenue  
Martinez, CA 94553  
(925) 285-7741  
labatstree@gmail.com

CONFIRMED as Material only.

Handwritten signature and date 7/12/13

# Attachment A

Kevin Heddy

**From:** Labat's Tree Care <labatstree@gmail.com>  
**Sent:** Tuesday, July 02, 2013 3:11 PM  
**To:** Kevin Heddy  
**Subject:** Re: Hanford ARC Caltrans 04-1123H4  
**Attachments:** Pacifica bid Item Breakdown 7-2-2013.pdf  
**Categories:** JOB\_Devils Slide Planting&Irr

sorry for delay, here you go, cheryl

On Tue, Jul 2, 2013 at 12:12 PM, Kevin Heddy <kevin@hanfordarc.com> wrote:

Dear Sharon,

Thanks for your help today on the phone. I would like to confirm the following regarding quote for Caltrans Project 04-1123H4 received by Hanford ARC on June 10,2013. You can simply include a yes/no in the columns to the right and return to me with any additional comments as soon as possible.

*See following pages  
 For Attachment*

Item No.	Item Code	Item Description	Unit	QTY	Unit Price	Total	Does this include Labor (yes/no)	Does this include material (yes/no)	Does this include hauling (yes/no)
1	120090	Construction Area Signs	LS	Lump Sum		\$3,200			
9	130620	Temporary Drainage Inlet Protection	EA	9	\$600.00	\$5,400			
10	130640	Temporary Fiber Roll	LF	2,000	\$6.00	\$12,000			
13	200002	Roadside Clearing	Daily	3 Man Crew	\$3,200				
13B	200002	Roadside Clearing	Daily	6 Man Crew	\$4,800				
15	202011	Mulch	CY	520	\$38.00	\$19,760			

Thank you,

Kevin Heddy

Hanford ARC

Phone: (707) 996-6633

Fax: (707) 996-6641

Cell: (707) 774-5310

29 Years of

Streams – Wetlands – Parks

[www.hanfordarc.com](http://www.hanfordarc.com)

LaBat's Tree Care  
1330 Veale Ave  
Martinez, CA 94553  
Phone: (925) 285-7741  
Fax: (925) 335-9116  
[www.labatstreecare.com](http://www.labatstreecare.com)  
[labatstree@gmail.com](mailto:labatstree@gmail.com)



Gmail - Hanford ARC Caltrans 04-1123H4

<https://mail.google.com/mail/u/0/?ui=2&ik=ff52047aa&view=pt&sea...>



Cheryl Cole <labatstree@gmail.com>

**Hanford ARC Caltrans 04-1123H4**  
1 message

Kevin Heddy <kevin@hanfordarc.com>  
To: labatstree@gmail.com

Tue, Jul 2, 2013 at 12:12 PM

Dear Sharon,

Thanks for your help today on the phone. I would like to confirm the following regarding quote for Caltrans Project 04-1123H4 received by Hanford ARC on June 10, 2013. You can simply include a yes/no in the columns to the right and return to me with any additional comments as soon as possible.

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1	120090	Construction Area Signs	LS	Lump Sum		\$3,200	Y	Y	Y
9	130620	Temporary Drainage Inlet Protection	EA	9	\$600.00	\$5,400	Y	Y	Y
10	130640	Temporary Fiber Roll	LF	2,000	\$6.00	\$12,000	Y	Y	Y <sup>(if Extra materials)</sup>
13	200002	Roadside Clearing	Daily	3 Man Crew	\$3,200		Y	Y	Y
13B	200002	Roadside Clearing	Daily	6 Man Crew	\$4,800		Y	Y	Y
15	202011	Mulch	CY	520	\$36.00	\$18,760	N	Y	Y

Gmail - Hanford ARC Caltrans 04-1123H4

<https://mail.google.com/mail/u/0/?ui=2&ik=ff52047aa&view=pt&sea...>



Thank you,

Kevin Heddy

Hanford ARC

Phone: (707) 996-6633

Fax: (707) 996-6641

Cell: (707) 774-5310

29 Years of

Streams - Wetlands - Parks

[www.hanfordarc.com](http://www.hanfordarc.com)

---

 **Kevin Heddy.vcf**  
5K



Hanford ARC

FAX

To: CATRAWS / Division of Engineering Serv. From: HANFORD Applied Restoration & Conservation  
Fax: (916) 227-6282 No. of Pages (including cover): 6

Phone: \_\_\_\_\_ Date: 7/2/13

Re: Caltrans project 04-1123 H4 Protect of Natures Image Inc.

COMMENTS:

See Attached :

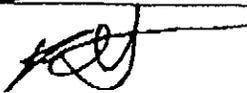
To be delivered to OFFICE ENGINEER MS43

 **FAXED**  
7/2/13 *KST*  
15:43

STREAMS - WETLANDS - PARKS  
RESTORATION & CONSTRUCTION

\*\*\*\*\*  
 \*\*\* ACTIVITY REPORT \*\*\*  
 \*\*\*\*\*

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*06/28 16:19	5427017	2167	TRANSMIT ECM	1	OK 00'38
06/28 18:51		5080	AUTO RX G3	3	OK 03'22
07/01 03:37		5081	AUTO RX	0	NG 00'37
				0	
07/01 03:39	4062559525	5082	AUTO RX ECM	2	OK 00'40
07/01 08:44	303 307 0703	5083	AUTO RX ECM	1	OK 00'36
07/01 09:38	707 224 5932	5084	AUTO RX ECM	2	OK 00'26
07/02 11:00		5085	AUTO RX G3	1	OK 00'43
07/02 15:05	7075233122	5086	AUTO RX ECM	1	OK 00'17
07/02 15:40	19162276282	2168	TRANSMIT ECM	13	OK 02'48
07/02 16:43	19162276282	2169	TRANSMIT ECM	6	OK 01'58





**HANFORD**  
A.R.C.  
LANDSCAPE ARCHITECTURE

Hanford ARC  
23195 Maffei Rd Sonoma, CA95476  
707 996-8833 TEL  
707 996-8841 FAX

# LETTER OF TRANSMITTAL

STATE CONTRACTORS  
LICENSE NO. 757497

DATE: 7/2/13	JOB NO. 04-1123HA
ATTENTION: OFFICE ENGINEER MS43	
RE: Project: 04-1123HA	
Bio Protest of Natures IMAGE INC.	

VIA FAX (916) 227-6282  
 CALIFORNIA DEPT. of TRANSPORTATION  
 DIVISION of ENGINEERING SERVICES  
 OFFICE ENGINEER MS43  
 1727 30th St.  
 SACRAMENTO, CA 95816-8041

WE ARE SENDING THE FOLLOWING ITEMS VIA:

- Shop drawings
- Copy of letter
- Attached
- Prints
- Change order
- Under separate cover
- Plans
- Samples  Spec.'s

COPIES	DESCRIPTION
1	HANFORD APPLIED RESTORATION & CONSERVATION Letter of Protest of Natures Image Inc.
	REF Project # 04-1123HA
1	DBE Commitment Lowe' & Associates Quote

THESE ARE TRANSMITTED as checked below:

- For approval
- For your use
- As requested
- For review and comment
- PRINTS RETURNED AFTER LOAN TO US
- Approved as submitted
- Approved as noted
- Returned for corrections
- Resubmit
- Submit
- Return
- \_\_\_\_\_ copies for approval
- \_\_\_\_\_ copies for distribution
- \_\_\_\_\_ corrected prints

FOR BIDS DUE \_\_\_\_\_

REMARKS:

COPY TO Doug Hanford, MARK Cederberg

SIGNED: \_\_\_\_\_

# HANFORD

A.R.C.

LANDSCAPE · ENGINEERING

July 2, 2013

VIA FAX (916) 227-6282 & OVERNIGHT

California Department of Transportation  
Division of Engineering Services  
Attn: Office Engineer, MS 43  
1727 30<sup>th</sup> Street  
Sacramento, CA 95816-8041

RE: 04-1123H4 Formal Bid Protest - Bid Date: June 11<sup>th</sup>, 2013

To whom it may concern:

After review of the bid package submitted by Natures Image Inc. "(Natures Image)" for the above referenced project, please accept this letter as Hanford Applied Restoration & Conservation's "(HARC)" formal protest on the grounds that Natures Image failed to submit a responsive bid in the following ways:

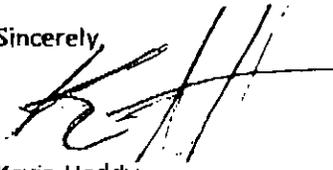
### Natures Image - Reasons for nonresponsive bid

Natures Image failed to meet the DBE goal for this project. The Caltrans (DBE) program is to encourage every Bidder to meet and exceed the stated goal.

1. Natures Image failed to meet the DBE goal of 3% due to the following reasons:
  - a. By not selecting qualified subcontractors to participate. There were Opt-in subcontractors listed on Caltrans Opt-in section of the 04-1123H4 solicitation which could have been included in solicitation efforts to reach the 3% goal.
  - b. Due to the risk level 2 SWPPP monitoring efforts Toure' Associated could have been utilized more extensively to reach the 3% DBE goal. The QSD/QSP monitoring inspections are required to be done dally for access roads and tracking controls and weekly for BMP inspections. By including an increase in available work for Toure' Associates the goal could have been achieved. Natures Image chose not to include this available work for Toure' Associates.
  - c. There were further work elements within the bid which could have been used to solicit further DBE participation such as: bid items 16,17,20,46,47,& 48

By not meeting the DBE goal of 3% and not making a sufficient good faith effort to reach this goal Natures Image should be found to be an unresponsive bidder for the above referenced project.

Sincerely,



Kevin Heddy  
Estimator  
Hanford ARC

23195 Maffei Road  
Sonoma, CA 95476  
Tel: 707 996 6633  
Fax: 707 996 6641

www.hanfordarc.com

LIC. NO. 461157

2ND BIDDER

# Second Bidder

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
 CALTRANS BIDDER - DBE - COMMITMENT  
 DBE-05-0192.19C (NEW 8/2012)

This information may be submitted with your bid proposal. If it is not, and you are the apparent low bidder of the contract or DBE low bidder, it must be submitted and approved as specified in section 2 of the specifications. Failure to submit the required DBE information will be grounds for setting the bid uncompetitive.

CONTRACT NO: 04-1123H4

BID AMOUNT: \$2,059,123.32

BID OPENING DATE: 6/11/2013

BIDDER'S NAME: Natures Image, Inc.

LINE ITEM FROM CONTRACT: 3

DBE FIRM CONTRACTOR CERTIFICATION: N/A

BID ITEM NO.	TYPE OF WORK AND DESCRIPTION OF SERVICES TO BE PROVIDED OR MATERIALS TO BE PROVIDED	FOR CALTRANS USE ONLY	NAME OF DBE (Must be certified by the state with an affidavit - include Company verification #, DBE address and phone number) (Please list and leave for subcontracting)	DOLLAR AMOUNT DBE
4	Prepare QSP/QSD Monitoring Inspections		TOURE ASSOCIATES # 38267	\$1,800 → \$8,700 -21
5	Prepare SWPPP		845 E. Buckwill Rd. Fresno, CA 93720 (559) 433-6519	\$2,000-
6	Prepare Rain Event Action Plan		" "	\$6,800-
7	Stormwater Sampling		" "	\$9,900-
8	Prepare Annual Report		" "	\$1,250-

**IMPORTANT:** Identify all DBE firms being utilized for work, regardless of the amount of the Plan. The DBE subcontractors and their respective benefits of work shall be shown AND be submitted, where applicable, with the name and phone number of the "Subcontractor (SM)" authorized with your bid. Copies of the DBE question are required.

- DBE price contractors must enter their certification number and indicate all work to be performed by DBEs including work performed by its own direct.
- If 50% or less is not to be performed or finished by DBE, identify exact portion of item to be performed or finished.
- See sections 2-1.12 of the specifications to determine the work allowed for DBE firms.

Submitted by

ERIC AS  
 OFFICE ENGINEER  
 DEPARTMENT OF TRANSPORTATION  
 1727 SOUTH STREET  
 SACRAMENTO, CA 95811-7000

Total Dollar Participation

\$37,550 → \$28,650  
 1.4% - Goal NOT MET

Signature of Bidder: Steven Rainoehl, Director  
 Date: 6/10/2013 Phone: 949-680-4400  
 Name: Dan Slinger, Estimator  
 (Please Type or Print)

ADA Notice: For information only regarding DBE participation, this document is available in alternative formats. For information call (916) 434-6610 or TDD (916) 434-3300 or write Requests and Format Management, 1 CEDIP Blvd., MS-100, Sacramento, CA 95834.

UDBE

UDBE

UDBE



**For Construction on State Highway in San Mateo County Near Pacifica  
from 4.7 miles to 0.6 mile south of Linda Mar Boulevard  
Caltrans Contract No. 04-1123H4  
(Bid Items 5, 6, 7, 8)  
(SWPPP Compliance)**

Dear Mr. Slinger:

It is *Touré Associates'* understanding that *Natures Image, Inc.* seeks the services of a qualified QSD/QSP to provide STORM WATER POLLUTION PREVENTION and related technical services for *Construction on State Highway in San Mateo Near Pacifica from 4.7 miles to 0.6 mile south of Linda Mar Boulevard Caltrans Contract No. 04-1123H4.*

**SCOPE OF WORK**

The cost estimate for completing the bid item tasks outlined below is \$18,950. Additional services can be provided if you require QSP Inspections and CEM document reporting as required by Caltrans (see Additional Services table below). The services to be rendered under this scope of work would consist of preparing SWPPP, Rain Event Action Plans, Storm Water Sampling and Analysis Day, and a Storm Water Annual Report to be performed by a team of *Touré Associates*, qualified QSD/QSP staff in collaboration and coordination with *Natures Image, Inc.* In implementing this project, *Touré Associates* will assist *Natures Image, Inc.* to ensure SWPPP and Section 401 Certification compliance. *Touré Associates* takes great pride in our ability to provide our clients with sound and defensible SWPPP, inspection reports, surveys, recommendations, and supporting documents.

ITEM NUMBERS 4-7	COST
Bid Item 4: Prepare SWPPP (document only)	\$2,000
Bid Item 5 Rain Event Action Plan (up to 34 reports)	\$6,800
Bid Item 6 Storm Water Sampling and Analysis (up to 18 sampling days)	\$9,900
Bid Item 7 Storm Water Annual Report (1 report)	\$1,250
<b>TOTAL BID QUOTE:</b>	<b>\$18,950</b>

*This bid quote ~~does not~~ include weekly Stormwater Site Inspections and Stormwater Training Record.*

*TOURE ASSOCIATES  
845 E. Buckhill Road  
Fresno, CA 93720  
(559) 433-6519*

*TOURE ASSOCIATES  
470 Jesse Avenue, Suite 60  
Sacramento, CA 95838  
(916) 585-1021*

UDBE

UDBE

UDBE

Based on our current and past experience working on Caltrans projects requiring SWPPP compliance, weekly inspections are required. Touré Associates could provide these additional services for the costs provided below. The weekly inspections and/or training could be performed by our QSD/QSP for a flat monthly fee of \$1,450 per month. If you only require partial assistance with QSP inspections and reporting, the flat fee is \$500 per month to consist of one site visit per month by our QSD/QSP staff.

Additional Services: If required

QSD/QSP weekly inspections, if required:	COST
Once per week (up to 4 site visits per month)	\$1,450 x 6 = \$8,700 (flat rate monthly fee)
Once per month	\$500 (one site inspection per month)

Item 4 Jobsite Management

We look forward in the opportunity of providing Natures Image, Inc. with our qualified QSD/QSP staff and consulting services. If you have any questions, please do not hesitate to contact me at 558.433-6519 or via email at tshaka@toureassociates.com. We wish you well in the bidding process!

Sincerely,  
TOURE ASSOCIATES

T'Shaka Touré, Project Director  
tshaka@toureassociates.com  
(559) 433-6519 (office) / (559) 470-5588 (cell)  
http://www.toureassociates.com

Possible to Utilize  
Services more extensively  
to facilitate DBE  
Participation.

KAT 7/2/13

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

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

Aug 12 2013 04:32pm

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
917079966641	Normal	12:04:29pm	2'52"	22	# O K	

STATE OF CALIFORNIA - BUSINESS TRANSPORTATION AND INFRASTRUCTURE AGENCY FORWARD BROWN, P. Governor

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



*Place your power.  
Be energy efficient.*

August 12, 2013

Facsimile: (707) 996-6641

Douglas Hanford, President  
Hanford Applied Restoration & Conservation  
23195 Maffei Road  
Sonoma, CA 95476

04-1123H4  
04-SM-1-38.2/39.7  
B.O. 06/11/2013

Dear Mr. Hanford:

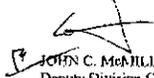
The Department of Transportation (Caltrans) received the attached protests from Hanford Applied Restoration & Conservation (Hanford) for contract 04-1123H4 on July 2, 2013 and August 2, 2013. The protest alleges that Empire Landscaping listed for credit on its Disadvantaged Business Enterprise (DBE) Summary form Labatts Tree Service to provide a material supply (mitch) and received 100 percent credit in lieu of the 60 percent supplier allowance. A second protest was submitted for Natures Image, Inc., alleging that Natures Image failed to meet the DBE goal and failed to solicit DBE participation.

The Office of Business and Economic Opportunity's, Contract Evaluation Unit (CEU) reviewed the DBE documentation and queries provided by Empire, as well as this protest and determined that Empire did meet the requirements, and DBE goal for this contract.

This contract was awarded to Empire Landscaping on July 1, 2013. Caltrans does not accept or review protest(s) after contract award.

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

Sincerely,

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

*Caltrans improves mobility across California*

08/02/2013 11:44 FAX 707 386 9641 HANFORD ARC Aug 2 2013 11:48am 001/022

**Hanford ARC**  
**FAX**

To: Renee Smith From: KEVIN HEDDY  
Fax: (916) 227-6282 No. of Pages (including cover): 20  
Phone: \_\_\_\_\_ Date: 8/2/13  
Re: 04-1123H4

COMMENTS:

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