

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER, MS 43

1727 30th STREET

P. O. BOX 168041

SACRAMENTO, CA 95816-8041

PHONE (916) 227-6299

FAX (916) 227-6282

TTY 711

www.dot.ca.gov

*Flex your power!
Be energy efficient!*

April 2, 2014

Facsimile: (510) 526-0990

Greg Souder, Secretary
O.C. Jones & Sons, Inc.
1520 Fourth Street
Berkeley, CA 94710

04-153304
04-SCI-101-0.0/26.7
B.O. 02/04/14

Dear Mr. Souder:

The Department of Transportation (Caltrans) received the attached letters dated February 20, and March 4, 2014, from O.C. Jones & Sons, Inc. (O.C. Jones) protesting the bid submitted by Bay Cities Paving & Grading, Inc. (Bay Cities), for Contract No. 04-153304 on February 4, 2014.

According to the protests, O.C. Jones alleges that on bid day, Bay Cities identified Adanta on its Subcontractor List form as performing work described as; prepare swppp, rain event action plan, storm water sampling analysis, and storm water annual report, asbestos compliance plan, NOA burial location report, ADL burial location report, and noise monitoring. However, it is alleged that on its 24 hour Subcontractor List form, Bay Cities omitted the ADL burial location report and did not provide a percentage of the work to be performed.

Caltrans performed a review of the bid documents, as well as the protests and determined that Bay Cities was not required to list Adanta on its Subcontractor List form, since the items (1-5, 25, 28, 30) are not considered items of work subject to the listing laws found in Public Contract Code 4100 (et.seq.). These items do not require fabrication nor are these items installed into the work on the project. Therefore, although Adanta was listed, this information was superfluous and any errors associated with the listing are immaterial and are therefore waived for this project.

Based on the above, Caltrans will proceed to award this contract to the lowest responsible bidder.

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

Sincerely,


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



O.C. Jones & Sons, Inc.
General Engineering Contractor

March 4, 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 04-153304
Bids Opened: Feb. 4, 2014
Response to Bay Cities' letter dated 2-27-2014

Dear Mr. McMillan,

On February 27, 2014, Bay Cities Paving & Grading Inc. (BCP) responded to our letter of bid protest regarding the referenced project. BCP claims that O.C. Jones & Sons' (OCJ) protest was defective. BCP claims that one of the subcontractors listed by BCP on their Subcontractor List, Adanta, is not actually a subcontractor but is a consultant. BCP claims that as a consultant, Adanta does not have to be listed on the Subcontractors List, even though they were.

While we may agree with this argument in general terms, the fact of the matter is that BCP did list Adanta as a subcontractor on their bid form. BCP also listed Adanta for corresponding items of work (column 2) on the 24-Hour Subcontractor List, which also requires that they enter a percentage for these items of work in column 3 of the form. If Adanta is only a consultant, why were they listed as a subcontractor on the Subcontractor List, and why were items numbers entered in column 2 of the 24-Hour list?

BCP claims Adanta is an environmental consultant who will be preparing "various reports". However, Adanta was not only listed for reports and plans on this contract. A portion of the work that they were listed for by BCP includes "testing and monitoring (Storm Water Sampling and Analysis, Noise Monitoring)". The nature of this work requires labor on the jobsite, and is not simply 'consulting' as BCP argues. Adanta is in fact a licensed contractor with the State of California (Attachment 1). Adanta's license number 961132 is active with the state, and they should be considered a contractor not a consultant.

John McMillan
3-4-14
Page 2

The Public Contract Code 4104(a)(1) requires the listing of subcontractors "who will perform work or labor or render service to the prime contractor in or about the construction of the work or improvement..." Because Adanta is a licensed contractor who will perform labor and a service on the contract, they should be considered a subcontractor to BCP. Consequently, BCP should have included a percentage for the items of work listed under column 3 of the Subcontractor List.

BCP letter also claims that OCJ is well aware of Adanta's scope because "Adanta also submitted a bid to OCJ and OCJ also listed Adanta's participation on OCJ's DBE Commitment Form". OCJ does not dispute receiving a bid from Adanta or listing them on our DBE Commitment Form. However, this does not mean that Adanta is not a subcontractor to OCJ. Adanta was not included on the OCJ Subcontractor List simply because Adanta's work did not represent $\frac{1}{2}$ of one percent of the value of the contract. As noted in BCP's Exhibit D, the value of Adanta's work with OCJ is \$ 56,305.00 (0.49% of the contract value).

Since the inception of the four column Subcontractor List, bidders have been deemed non-responsive for a variety of seemingly insignificant errors, poor judgments, and omissions. In most cases the errors had no bearing on the determination of the low bidder, nor did they create a bid advantage for the non-responsive bidder over the other bidders. The State (Caltrans) simply rejected the bid(s) on the grounds that an error had occurred. OCJ's protest on this project is no different. BCP made an error in completing the Subcontractor List, and in order to stay consistent, Caltrans has an obligation to reject their bid as non-responsive. Any other outcome would allow any contractor to simply leave column 3 blank on the 24-Hour Subcontractor List as a means to de-list a potential subcontractor.

O.C. Jones believes our protest does have merit, and Bay Cities' bid should be rejected as non-responsive.

If you have any questions or require additional information, please contact me.

Sincerely,
O.C. Jones & Sons, Inc


Greg Souder
Secretary

Enclosure: Attachment 1, Exhibit D (BCP letter)

Attachment 1



DEPARTMENT OF CONSUMER AFFAIRS

Contractors State License Board

Contractor's License Detail - License # 961132

DISCLAIMER: A license status check provides information taken from the CSLB license database. Before relying on this information, you should be aware of the following limitations.

- CSLB complaint disclosure is restricted by law (B&P 7124.6) If this entity is subject to public complaint disclosure, a link for complaint disclosure will appear below. Click on the link or button to obtain complaint and/or legal action information.
- Per B&P 7071.17, only construction related civil judgments reported to the CSLB are disclosed.
- Arbitrations are not listed unless the contractor fails to comply with the terms of the arbitration.
- Due to workload, there may be relevant information that has not yet been entered onto the Board's license database.

License Number	961132	Extract Date	3/4/2014
	ADANTA INC		
Business Information	Business Phone Number: (916) 903-3385		
	828 SCHOOL STREET NAPA, CA 94559		
Entity	Corporation		
Issue Date	05/17/2011		
Expire Date	05/31/2015		
License Status	ACTIVE		
	This license is current and active. All information below should be reviewed.		
Classifications	CLASS	DESCRIPTION	
	B	<u>GENERAL BUILDING CONTRACTOR</u>	
Certifications	CERT	DESCRIPTION	
	HAZ	<u>HAZARDOUS SUBSTANCES REMOVAL</u>	
Bonding	CONTRACTOR'S BOND		
	This license filed a Contractor's Bond with <u>WESCO INSURANCE COMPANY</u> .		
	Bond Number: 04WB034232		
	Bond Amount: \$12,500		
	Effective Date: 08/20/2013		
	<u>Contractor's Bond History</u>		
	BOND OF QUALIFYING INDIVIDUAL		
	1.	The Responsible Managing Officer (RMO) PENA FRAN certified that he/she owns 10 percent or more of the voting stock/equity of the corporation. A bond of qualifying individual is not required.	
		Effective Date: 08/23/2012	

02/27/2014 01:32

RECEIVED

FEB 27 2014 10:34AM
FAX

P.007/010

Exhibit D

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
CALTRANS BIDDER - OBE - COMMITMENT
04-153304 (NEW DELIVER)

This information is for the use of the State of California and its agencies only. It is not to be used for any other purpose without the express written consent of the State of California. The State of California is not responsible for any errors or omissions in this information.

CONTRACT NO. 04-153304

BY AMOUNT:

7 11,668,222

AID PROGRAM DATE

7/1/14

BIDDER NAME:

O.C. Jones & Sons, Inc.

ONE YEAR BIDDING COSTS, %:

12%

OBE BIDDING CONTRACTOR COMMITMENT:

BID ITEM NO.	ITEM OR WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIAL TO BE PROVIDED	FOR CALTRANS UNIT ONLY	NAME OF BIDDING FIRM (If the work is to be done by a subcontractor, list the name of the subcontractor and the name of the contractor who is to be responsible for the work.)	DOLEAR AMOUNT EST.
1	Local Compliance Plan		Adams, Inc. 620 School Street Napa, CA 94559 707-709-8894 Cell 437337	\$3,300.00
12-15	Storm Water Plan & Storm Water Monitoring			\$48,203.00
25	Airborne Compliance Plan			\$3,300.00
31	Dust Control Plan			\$1,500.00

NOTE: The bidder is responsible for providing all necessary information to the State of California to ensure that the work is completed in accordance with the contract requirements. The bidder is also responsible for providing all necessary information to the State of California to ensure that the work is completed in accordance with the contract requirements.

1. The bidder is responsible for providing all necessary information to the State of California to ensure that the work is completed in accordance with the contract requirements.
2. The bidder is responsible for providing all necessary information to the State of California to ensure that the work is completed in accordance with the contract requirements.
3. The bidder is responsible for providing all necessary information to the State of California to ensure that the work is completed in accordance with the contract requirements.

APPROVED BY:

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
1221 BETH STREET
SACRAMENTO, CA 95834-0001

TOTAL CONTRACT
AMOUNT

\$ 56,303.00

CONTRACT
NO.

CONTRACT NUMBER

04-153304

DATE

11-08-2013

DATE

11-08-2013

DATE

11-08-2013

ACA Notice: The bidder is responsible for providing all necessary information to the State of California to ensure that the work is completed in accordance with the contract requirements. For information call the State of California at (916) 227-1234 or visit the State of California website at www.caltrans.ca.gov.

O.C. JONES & SONS, INC.
GENERAL ENGINEERING CONTRACTOR
1520 FOURTH STREET
BERKELEY, CA 94710-1774
PHONE (510) 526-3424 FAX (510) 526-0990

FACSIMILE TRANSMITTAL SHEET

TO: Mr. John McMillan, Deputy Division Chief	FROM: Greg Souder
COMPANY: Caltrans, Division of Engineering Services	DATE: 3-04-14
FAX NUMBER: 916-227-6282	TOTAL NO. OF PAGES INCLUDING COVER: 5
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE: Bid Protest 04-153304, Response to BCP letter Date of Bid: 2-04-14	YOUR REFERENCE NUMBER:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Thank you.

Greg Souder
Estimating Manager
O.C. Jones & Sons, Inc.
510-809-3430 - direct line
Ph (510) 526-3424 Fax (510) 526-0990
E-mail: gsouder@ocjones.com



O.C. Jones & Sons, Inc.
General Engineering Contractor

February 20, 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 04-153304
Bids Opened: Feb. 4, 2014
Protest of Bid of Bay Cities Paving and Grading, Inc.

Dear Mr. McMillan,

O.C. Jones & Sons, Inc. (OCJ) was the second monetary bidder on the above referenced project. With this letter, we protest the bid submitted by Bay Cities Paving and Grading, Inc. (BCP), the lowest monetary bidder, for failing to comply with the mandatory requirements for the completion of the Subcontractor List on this contract. The bid of BCP bid must be rejected as nonresponsive and ineligible for award of this contract.

The Subcontractor List states in part, ... "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." No other revisions to the form are allowed. On the date of the bid, BCP submitted the Subcontractor List (Attachment 1) with its bid, completing columns 1 and 4. Subsequently BCP submitted the Subcontractor List (Attachment 2), within twenty-four hours of the bid time, completing columns 2 and 3. BCP's Subcontractor List (Attachment 2) is deficient in that the percentage of work in column 3 is blank for the subcontractor named Adanta of Napa. Clearly the Subcontractor List requires that the bidder "provide complete information in columns 1 through 4".

Accepting a bid with a blank percentage in column 3 would not only set a difficult precedent for future contract bids, but it also gives BCP an unfair advantage on this contract. Allowing a blank percentage

1520 Fourth Street, Berkeley, California 94710-1774 · Phone: (510) 526-3424

FAX: Estimating - (510) 526-0990 Engineering - (510) 525-0457

AN EQUAL OPPORTUNITY EMPLOYER

No. 7471 P. 2

Feb 20 2014 01:05pm

Received

Feb. 20. 2014 1:04PM

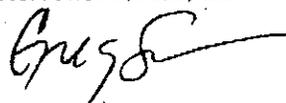
in column 3 would enable BCP to subcontract all of the work, a portion of the work, or possibly none of the work to the listed subcontractor, Adanta. If the State (Caltrans) accepts a blank percentage it would also enable BCP to seek and negotiate with other subcontractors for this work, which is the exact activity that Caltrans is hoping to avoid by requiring the proper listing of subcontractors and their corresponding percentage of work for each item listed.

Caltrans has a duty to not only enforce its bid requirements, but more importantly, to act in a fair and uniform manner. Accordingly, BCP has violated Caltrans' requirements leaving a blank entry in one of the required fields of the Subcontractor List, and must be rejected as nonresponsive.

We request that Caltrans uphold this protest and award the contract to O.C. Jones & Sons, Inc., the lowest responsive bidder.

If you have any questions or require additional information, please contact me.

Sincerely,
O.C. Jones & Sons, Inc



Greg Sodder
Secretary

Enclosure: Attachments 1 and 2

1912-1914
OFFICE ENGINEER
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04

REVIEW
DK TM



Caltrans

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

BID

FOR CONSTRUCTION ON STATE HIGHWAY IN SANTA CLARA COUNTY AT VARIOUS
LOCATIONS FROM SAN BENITO COUNTY LINE TO ROUTE 85/101 INTERCHANGE

In District 04 On Route 101

Under

Notice to Bidders and Special Provisions dated November 25, 2013	Standard Specifications dated 2010
Project plans approved April 22, 2013	Standard Plans dated 2010

Identified by
Contract No. 04-153304
04-SGI-101-0.0/26.7
Project ID 0400020304

Federal-Aid Project
ACNHP-0101(234)E
CML-6204(110)E

Electronic Advertising Contract

Bids open Tuesday, February 4, 2014

Dated November 25, 2013

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
BID TO THE DEPARTMENT OF TRANSPORTATION
DES-OE-01021 (REV. 3/2011)

CONTRACT NO. 04 - 153304

NAME OF BIDDER Bay Cities Paving & Grading Inc.
BUSINESS P.O. BOX 6227
CITY, STATE, ZIP Concord CA 94520
BUSINESS STREET ADDRESS 1450 C. Vic Ct.
(Include even if P.O. Box used)
CITY, STATE, ZIP Concord CA 94520
TELEPHONE NO: AREA CODE (925) 687-6666
FAX NO: AREA CODE (925) 687-2122
CONTRACTOR LICENSE NO. 290650

1. Bidder agrees, if this bid is accepted, to enter into a contract with the Department, in the form included in the Standard Specifications, to perform the work provided in the Contract under the terms of the Contract for the price or prices bid.
 For a lump sum or unit price based bid, Bidder additionally agrees to perform the work within the number of working days shown on the Notice to Bidders.
 For a cost plus time based bid on a contract without a plant establishment period, Bidder additionally agrees to perform the work within the number of working days bid.
 For a cost plus time based bid on a contract with a plant establishment period, Bidder additionally agrees to perform the non-plant establishment work within the number of working days bid for non-plant establishment work.
2. For a lump sum based bid, Bidder submits this bid with a total price in the total bid space provided on the Bid Item List. For a unit price or cost plus time based bid, Bidder submits this bid with a unit price and the item total (the product of the unit price and the quantity) for each item and a total price (the sum of the item totals) in the spaces provided on the attached Bid Item List. For a unit price with additive item based bid, Bidder submits this bid with a unit price and an item total for each item and a total base bid (the sum of the item totals) and the additive items in the spaces provided on the attached Bid Item List. Additionally, for a cost plus time based bid, Bidder submits this bid with working days bid for non-plant establishment work, total bid for time, and total bid for bid comparison in the spaces provided on the Bid Item List. Bidder agrees:
 - 2.1. If a discrepancy between the unit price and the item total exists, the unit price prevails except:
 - 2.1.1. If the unit price is illegible, omitted, or the same as the item total, item total prevails and the unit price is the quotient of the item total and the quantity.
 - 2.1.2. If a decimal error is apparent in the product of the unit price and the quantity, the Department will use either the unit price or item total based on the closest by percentage to the unit price or item total in the Department's Final Estimate.
 - 2.2. If the unit price and the item total are illegible or are omitted, the bid may be determined nonresponsive. If a lump sum total price is illegible or is omitted, the bid may be determined nonresponsive.
 - 2.3. Bids on lump sum items are item totals. If a unit price for a lump sum item is entered and it differs from the item total, the item total prevails.
 - 2.4. Entries are to be expressed in dollars or decimal fractions of a dollar. Symbols such as commas and dollar signs are ignored and have no significance in establishing unit price or item total.
 - 2.5. Unit prices and item totals are interpreted by the number of digits and decimal placement. Do not round item totals or the total bid.

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
BID TO THE DEPARTMENT OF TRANSPORTATION
DES-OE-0102.1 (REV. 3/2011)

2.6. For a lump sum based bid, the item total is the bid amount the Department uses for bid comparison.

For a unit price based bid, the sum of the item totals is the bid amount the Department uses for bid comparison.

For a cost plus time based bid, the sum of the item totals and the total bid for time is the bid amount the Department uses for bid comparison.

2.7. The Department's decision on the bid amount is final.

3. Bidder has and acknowledges the following addenda:

1

4. Bidder submits this bid with one of the following forms of bidder's security equal to at least 10 percent of the bid:

Cash \$ _____, Cashiers Check, Certified Check, Bidder's Bond

5. Bidder's signature is an affirmation of the included certifications. Bidder is cautioned that making a false certification may result in one or more of the following:

- 5.1. Criminal prosecution
- 5.2. Rejection of the bid
- 5.3. Rescission of the award
- 5.4. Termination of the Contract

BY (Authorized Signature)

DATE SIGNED (Do not type)

2/4/2014

PRINTED NAME AND TITLE OF PERSON SIGNING

Benjamin J. Rodriguez Jr. - President

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Contract No. 04-153304

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

Bidder Name: Bay Cities Paving & Grading

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
KRC Safety Visalia, CA			Construction Area Signs Type III Barricade Temp Crash Cushion Roadside Signs Furnish Single Sheet Aluminum Sign Delimiters, Markers
FBD Vanguard Const. Livermore, CA			Minor Concrete & Related
St. Francis Electric San Leandro, CA			Lighting & Sign Illumination, Traffic Operations Systems and Related
Acacia Erosion Ctrl. Santa Barbara, CA			Erosion Control & Related
John Sensen Landscaping Sonoma, CA			Landscape and Irrigation and Related

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

Bidder Name: Bay Cities Paving & Grading

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
Central Fence Co. Sacramento, CA			Remove Guardrail; Midwest Guardrail System and Related
Geoco Grass Valley, CA			Furnish and Install Sign Structure
Geoco Grass Valley, CA			CIDH Concrete Pile
Linear Options Durham, CA			Remove Striping and Markings; Striping, Markings, Markers Lead Compliance
Adanta Napa, CA			Prepare SWPPP, Rain Event Action Plan, Storm Water Sampling Analysis Day, Storm Water Annual Report, Asbestos Compliance Plan, NOA Burial Location Report, ADL Burial Report Location, Noise Monitoring

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Contract No. 04-153304

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
DES-06-01022 (REV 5/2011)

Bidder Name: Bay Cities Paving & Grading

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) 227-8282 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
KRC Safety - Visalia	4 6 10 39, 44, 45 103, 104, 105 102 113-116	100%	Construction Area Signs Type III Barricade Temporary Crush Cushion Roadside Signs Furnish Single Sheet Aluminum Sign Delimiters, Markers
FBD Vanguard Const. Livermore	110, 111	100%	Minor Concrete & Related
St. Francis Electric San Leandro	125-167	100%	Lighting and Sign Illumination Traffic Operations Systems and Related
Acacia Erosion Control Santa Barbara	16, 83-88	100%	Erosion Control and Related
John Semsen Landscaping	55-80	100%	Landscape and Irrigation and Related

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Contract No. 04-153304

Attachment 2 2/3

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

Bidder Name: Bay Cities Paving & Grading

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
Central Fence Sacramento	34, 117-119	100%	Remove Guardrail; Midwest Guardrail System and Related
Gerco - Grass Valley	100, 101 98	100%	Furnish and Install Sign Structure C104 Concrete Pile
Linear Options Durham, CA	1, 7, 27, 36-38, 120-124	100%	Remove Striping and Markings; Striping, Markings, Markers Lead Compliance Plan
Adanta - Napa	12-15 25, 28, 30		Prepare SWPPP, Rain Event Action Plan, Storm Water Sampling Analysis Day, Storm Water Annual Report, Asbestos Compliance Plan, NOA Burial Location Report, Noise Monitoring

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-8410 or TDD (916) 654-3069 or with Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

02/05/2014 00:35

Received

Feb 5 2014 11:37am
(FAX)

P.001/003

Bay Cities Paving & Grading, Inc.
5028 Fern Dr.
Concord, CA 94520
Phone (925) 687-6688 Fax (925) 687-2122



Attachment 2 3/3

Fax

To: Caltrans	From: Russ Olney
Fax: 918-227-6282	Date: February 5, 2014 11AM
Phone:	Pages: 3
Re: Contract No. 04-153304	CC:

- Urgent
 For Review
 Please Comment
 Please Reply
 Please Recycle

-Comments:

Please see the attached Subcontractor L1el for Contract No. 04-153304 which is being submitted within 24 hours of bid opening.

O.C. JONES & SONS, INC.
GENERAL ENGINEERING CONTRACTOR
1520 FOURTH STREET
BERKELEY, CA 94710-1774
PHONE (510) 526-3424 FAX (510) 526-0990

FACSIMILE TRANSMITTAL SHEET

TO: Mr. John McMillan, Deputy Division Chief	FROM: Greg Souder
COMPANY: Caltrans, Division of Engineering Services	DATE: 2-20-14
FAX NUMBER: 916-227-6282	TOTAL NO. OF PAGES INCLUDING COVER: 10
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE: Bid Protest 04-153304 Date of Bid: 2-04-14	YOUR REFERENCE NUMBER:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Signed

Thank you.

Greg Souder
Estimating Manager
O.C. Jones & Sons, Inc.
510-809-3430 – direct line
Ph (510) 526-3424 Fax (510) 526-0990
E-mail: gsouder@ocjones.com



O.C. Jones & Sons, Inc.
General Engineering Contractor

February 20, 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 04-153304
Bids Opened: Feb. 4, 2014
Protest of Bid of Bay Cities Paving and Grading, Inc.

Dear Mr. McMillan,

O.C. Jones & Sons, Inc. (OCJ) was the second monetary bidder on the above referenced project. With this letter, we protest the bid submitted by Bay Cities Paving and Grading, Inc. (BCP), the lowest monetary bidder, for failing to comply with the mandatory requirements for the completion of the Subcontractor List on this contract. The bid of BCP bid must be rejected as nonresponsive and ineligible for award of this contract.

The Subcontractor List states in part, ... "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." No other revisions to the form are allowed. On the date of the bid, BCP submitted the Subcontractor List (Attachment 1) with its bid, completing columns 1 and 4. Subsequently BCP submitted the Subcontractor List (Attachment 2), within twenty-four hours of the bid time, completing columns 2 and 3. BCP's Subcontractor List (Attachment 2) is deficient in that the percentage of work in column 3 is blank for the subcontractor named Adanta of Napa. Clearly the Subcontractor List requires that the bidder "provide complete information in columns 1 through 4".

Accepting a bid with a blank percentage in column 3 would not only set a difficult precedent for future contract bids, but it also gives BCP an unfair advantage on this contract. Allowing a blank percentage

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in column 3 would enable BCP to subcontract all of the work, a portion of the work, or possibly none of the work to the listed subcontractor, Adanta. If the State (Caltrans) accepts a blank percentage it would also enable BCP to seek and negotiate with other subcontractors for this work, which is the exact activity that Caltrans is hoping to avoid by requiring the proper listing of subcontractors and their corresponding percentage of work for each item listed.

Caltrans has a duty to not only enforce its bid requirements, but more importantly, to act in a fair and uniform manner. Accordingly, BCP has violated Caltrans' requirements leaving a blank entry in one of the required fields of the Subcontractor List, and must be rejected as nonresponsive.

We request that Caltrans uphold this protest and award the contract to O.C. Jones & Sons, Inc., the lowest responsive bidder.

If you have any questions or require additional information, please contact me.

Sincerely,
O.C. Jones & Sons, Inc



Greg Sodder
Secretary

Enclosure: Attachments 1 and 2

1917 - 2013
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REVIEW
DK TM

Caltrans

**STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION**

BID

**FOR CONSTRUCTION ON STATE HIGHWAY IN SANTA CLARA COUNTY AT VARIOUS
LOCATIONS FROM SAN BENITO COUNTY LINE TO ROUTE 85/101 INTERCHANGE**

In District 04 On Route 101

Under

Notice to Bidders and Special Provisions dated November 25, 2013

Standard Specifications dated 2010

Project plans approved April 22, 2013

Standard Plans dated 2010

Identified by

Contract No. 04-153304

04-SGI-101-0.0/26.7

Project ID 8400020304

Federal-Aid Project

ACNHP-0101(234)E

CML-6204(110)E

Electronic Advertising Contract

Bids open Tuesday, February 4, 2014

Dated November 25, 2013

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
BID TO THE DEPARTMENT OF TRANSPORTATION
DES-OE-0102.1 (REV. 3/2011)

CONTRACT NO. 04 - 153304

NAME OF BIDDER Bay Cities Paving & Grading Inc.
BUSINESS P.O. BOX 6227
CITY, STATE, ZIP Concord CA 94520
BUSINESS STREET ADDRESS 1450 C. VIC CT.
(Include even if P.O. Box used)
CITY, STATE, ZIP Concord CA 94520
TELEPHONE NO: AREA CODE (925) 687-6666
FAX NO: AREA CODE (925) 687-2122
CONTRACTOR LICENSE NO. 790650

1. Bidder agrees, if this bid is accepted, to enter into a contract with the Department, in the form included in the Standard Specifications, to perform the work provided in the Contract under the terms of the Contract for the price or prices bid.
 - For a lump sum or unit price based bid, Bidder additionally agrees to perform the work within the number of working days shown on the Notice to Bidders.
 - For a cost plus time based bid on a contract without a plant establishment period, Bidder additionally agrees to perform the work within the number of working days bid.
 - For a cost plus time based bid on a contract with a plant establishment period, Bidder additionally agrees to perform the non-plant establishment work within the number of working days bid for non-plant establishment work.
2. For a lump sum based bid, Bidder submits this bid with a total price in the total bid space provided on the Bid Item List. For a unit price or cost plus time based bid, Bidder submits this bid with a unit price and the item total (the product of the unit price and the quantity) for each item and a total price (the sum of the item totals) in the spaces provided on the attached Bid Item List. For a unit price with additive item based bid, Bidder submits this bid with a unit price and an item total for each item and a total base bid (the sum of the item totals) and the additive items in the spaces provided on the attached Bid Item List. Additionally, for a cost plus time based bid, Bidder submits this bid with working days bid for non-plant establishment work, total bid for time, and total bid for bid comparison in the spaces provided on the Bid Item List. Bidder agrees:
 - 2.1. If a discrepancy between the unit price and the item total exists, the unit price prevails except:
 - 2.1.1. If the unit price is illegible, omitted, or the same as the item total, item total prevails and the unit price is the quotient of the item total and the quantity.
 - 2.1.2. If a decimal error is apparent in the product of the unit price and the quantity, the Department will use either the unit price or item total based on the closest by percentage to the unit price or item total in the Department's Final Estimate.
 - 2.2. If the unit price and the item total are illegible or are omitted, the bid may be determined nonresponsive. If a lump sum total price is illegible or is omitted, the bid may be determined nonresponsive.
 - 2.3. Bids on lump sum items are item totals. If a unit price for a lump sum item is entered and it differs from the item total, the item total prevails.
 - 2.4. Entries are to be expressed in dollars or decimal fractions of a dollar. Symbols such as commas and dollar signs are ignored and have no significance in establishing unit price or item total.
 - 2.5. Unit prices and item totals are interpreted by the number of digits and decimal placement. Do not round item totals or the total bid.

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STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
BID TO THE DEPARTMENT OF TRANSPORTATION
DES-OE-0102.1 (REV. 3/2011)

2.6. For a lump sum based bid, the item total is the bid amount the Department uses for bid comparison.

For a unit price based bid, the sum of the item totals is the bid amount the Department uses for bid comparison.

For a cost plus time based bid, the sum of the item totals and the total bid for time is the bid amount the Department uses for bid comparison.

2.7. The Department's decision on the bid amount is final.

3. Bidder has and acknowledges the following addenda:

1

4. Bidder submits this bid with one of the following forms of bidder's security equal to at least 10 percent of the bid:

Cash \$ _____, Cashiers Check, Certified Check, Bidder's Bond

5. Bidder's signature is an affirmation of the included certifications. Bidder is cautioned that making a false certification may result in one or more of the following:

5.1. Criminal prosecution

5.2. Rejection of the bid

5.3. Rescission of the award

5.4. Termination of the Contract

BY (Authorized Signature)

DATE SIGNED (Do not type)

2/4/2014

PRINTED NAME AND TITLE OF PERSON SIGNING

Benjamin J. Rodriguez Jr. - President

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

Bidder Name: Bay Cities Paving & Grading

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) 227-0262 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
KRC Safety Visalia, CA			Construction Area Signs Type III Barricade Temp Crash Cushion Roadside Signs Furnish Single Sheet Aluminum Sign Delimiters, Markers
FBD Vanguard Const. Livermore, CA			Minor Concrete & Related
St. Francis Electric San Leandro, CA			Lighting & Sign Illumination, Traffic Operations Systems and Related
Acacia Erosion Ctrl. Santa Barbara, CA			Erosion Control & Related
John Sensen Landscaping Sonoma, CA			Landscape and Irrigation and Related

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STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
 DES-DE-0802.2 (REV 3/2011)

Bidder Name: Bay Cities Parking & Grading

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
Central Fence Co. Sacramento, CA			Remove Guardrail; Midwest Guardrail System and Related
Gesco Grass Valley, CA			Furnish and Install Sign Structure
Gesco Grass Valley, CA			CIDH Concrete Pile
Linear Options Durham, CA			Remove Striping and Markings; Striping, Markings, Markers Lead Compliance
<u>Adanta</u> <u>Napa, CA</u>			Prepare SWPPP, Rain Event Action Plan, Storm Water Sampling Analysis Day, Storm Water Annual Report, Asbestos Compliance Plan, NOA Burial Location Report, ADL Burial Report Location, Noise Monitoring

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Contract No. 04-153304

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
DES-C6-0102.2 (REV 3/2011)

Bidder Name: Bay Cities Paving & Grading

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) 227-8282 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
KRC Safety - Visalia	4 6 10 39, 44, 45 103, 104, 105 102 113-116	100%	Construction Area Signs Type III Barricade Temporary Crush Cushion Roadside Signs Furnish Single Sheet Aluminum Sign Delineators, Markers
FBD Vanguard Const. Livermore	110, 111	100%	Minor Concrete & Related
St. Francis Electric San Leandro	125-167	100%	Lighting and Sign Illumination Traffic Operations Systems and Related
Acacia Erosion Control Santa Barbara	16, 83-88	100%	Erosion Control and Related
John Semson Landscaping	55-80	100%	Landscape and Irrigation and Related

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Contract No. 04-153304

Attachment 2 2/3

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
DES-06-01022 (REV 3/2011)

Bidder Name: Bay Cities Paving & Grading

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
Central Fence Sacramento	34, 117-119	100%	Remove Guardrail; Midwest Guardrail System and Related
Genco - Grass Valley	100, 101 98	100%	Furnish and Install Sign Structure C10A Concrete Pile
Linear Options Durham, CA	1, 7, 27, 36-38, 120-124	100%	Remove Striping and Markings; Striping, Markings, Markers Lead Compliance Plan
Adanta - Napa	12-15 25, 28, 30		Prepare SWPPP, Rain Event Action Plan, Storm Water Sampling Analysis Day, Storm Water Annual Report, Asbestos Compliance Plan, NOA Burial Location Report, Noise Monitoring

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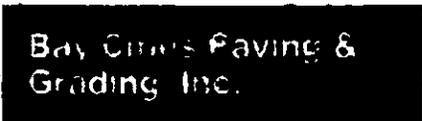
02/05/2014 00:35

Received

Feb 5 2014 11:37am
(FAX)

P.001/003

Bay Cities Paving & Grading, Inc.
8328 Farnham Dr.
Concord, CA 94520
Phone (925) 687-6688 Fax (925) 687-2122



Attachment 2 3/3

Fax

To: Caltrans	From: Russ Olney
Fax: 916-227-8282	Date: February 5, 2014 11AM
Phone:	Pages: 3
Re: Contract No. 04-183304	CC:

- Urgent
 For Review
 Please Comment
 Please Reply
 Please Recycle

-Comments:

Please see the attached Subcontractor L1el for Contract No. 04-183304 which is being submitted within 24 hours of bid opening.

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Feb 20 2014 01:06pm

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O.C. JONES & SONS, INC.
GENERAL ENGINEERING CONTRACTOR
1520 FOURTH STREET
BERKELEY, CA 94710-1774
PHONE (510) 526-3424 FAX (510) 526-0990

FACSIMILE TRANSMITTAL SHEET

TO: Mr. John McMillan, Deputy Division Chief	FROM: Greg Souder
COMPANY: Caltrans, Division of Engineering Services	DATE: 2-20-14
FAX NUMBER: 916-227-6282	TOTAL NO. OF PAGES INCLUDING COVER: 10
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE: Bid Protest 04-153304 Date of Bid: 2-04-14	YOUR REFERENCE NUMBER:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Signed

Thank you.

Greg Souder
Estimating Manager
O.C. Jones & Sons, Inc.
510-809-3430 - direct line
Ph (510) 526-3424 Fax (510) 526-0990
E-mail: gsouder@ocjones.com