



GENERAL ENGINEERING CONTRACTOR  
DVBE/SBE #60085  
Lic. #707211

State of California  
Department of Transportation  
Division of Engineering Services  
Office Engineer, MS 43  
1727 30th Street  
P.O. Box 168041  
Sacramento, Ca 95816-8041

05-29-14

Attn: John McMillan, Deputy Division Chief

Re: Contract 04-1J3104  
Route 4  
Bid Protest

Mr. McMillan,

Western Structures hereby protests the award to Anvil Builders Inc ("Anvil"), the apparent low bidder in connection with Contract No. 04-1J3104.

**Response to Department correspondence of May 29, 2014;**

The Department's response to Western Structures bid protest is not correct in its assumption that Westerns protest is based around DVBE participation, it is not.

Western Structures protest charges that Anvil has submitted a bid ( Ex A ) with an illegible number written into item 3 Traffic Control System.  
Anvil failed to list Titan for item 2 Construction Area Signs work in excess of 1/2 of 1 percent on its submitted Subcontractor List (Ex B).

The Department is viewing this illegible item as a miscalculation of Anvils total bid and has made adjustments to the illegible item which has increased Anvils bid by \$9,000.00.

I ask the Department to view the Bid Item List of Anvil Builders Inc., all of the submitted item totals have a hand written comma and period to note mathematical equations. Bid item 3, that Western asserts is illegible is written with the comma running together with the zero (0) in a 10,000.00 item. The department asserts that Anvils line item 3 is written as 19000.00. If this is the case then line item 3 of Anvils bid item list is the only line item missing a hand written comma in its dollar figure. This discrepancy casts doubt on the intended dollar figure that should be used towards line item 3.

The Department states that Column 3 of the Subcontractor List does not represent the actual percentage of the Bid Item performed by the listed subcontractor. In fact, Column 3 of the Subcontractor list states Percentage of "Bid Item" Subcontracted (emphasis added) and does represent the total bid item percentage. Titan is listed to perform 95% of Bid Item 3 on Anvils submitted Subcontractor List. Titan is listed to perform \$10,000 of Bid Item 2 on Anvils submitted DVBE summary.

Anvils submitted DVBE Summary (Ex C) lists Titan DVBE as performing \$10,000.00 towards item 2 Construction Area signs. This is inconsistent with Anvils submitted Subcontractor list. Paragraph 1 of the Certified DVBE Summary states names of first tier DVBE subcontractors and their items of work listed must be consistent with the names and items of work in the Subcontractors list (Pub Cont Code 4100) submitted with the bid.

Anvils submitted Certified DVBE Summary lists Titan to perform \$10,000.00 of work on item 2 Construction Area Signs and has failed to list Titan for this work in excess of 1/2 of 1 percent on the Subcontractor List and is nonresponsive.

In summary, Anvils submitted bid is wrought with discrepancies and should be found nonresponsive;

1. Bid Item 3 is illegible and a true dollar figure cannot be distinguished.
2. Subcontractor List of Titan performing 95% of Item 3.
3. Certified DVBE summary lists Titan to perform \$10,000.00 of work on item no. 2.
4. The submitted DVBE Summary and Subcontractor List are not consistent.
5. Anvil failed to list Titan DVBE to perform work in excess of 1/2 of 1 percent relating to item no. 2 incomplete information as required on the Subcontractor List and should be found non responsive.

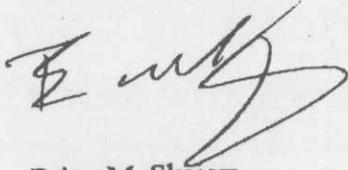
Form DES-OE-0102.1, Section 2.2 states if the unit price and the item total are illegible or are omitted, the bid may be determined nonresponsive. If a lump sum total price is illegible or is omitted, the bid may be determined nonresponsive.

Form DES-OE-0102.2 Subcontractor List states Failure to provide complete information in columns 1 through 4 within the time specified will result in a non responsive bid.

Western Structures respectfully submits the award to Anvil Builders on the referenced contract be determined nonresponsive and Contract 04-1J3104 be awarded to the next lowest responsive and responsible bidder which is Western Structures.

Feel free to contact me with any questions or clarification you might require.

Respectfully,



Brian M. Skajem  
President  
West Coast Structures Inc  
Dba; Western Structures

A2

BID ITEM LIST  
08-13104

Item No	Item Code	Item Description	Unit or Measure	Estimated Quantity	Unit Price	Item Total
1	07003C	LEAD COMPLIANCE PLAN	LB		LUMP SUM	2,000.00
2	120090	CONSTRUCTION AREA SIGNS	LB		LUMP SUM	5,000.00
3	180100	TRAFFIC CONTROL SYSTEM	LS		LUMP SUM	9,000.00
4	120832	PORTABLE CHANGEABLE MESSAGE SIGNS (LS)	LB		LUMP SUM	5,000.00
5	130100	JOB SITE MANAGEMENT	LS		LUMP SUM	2,000.00
6	130000	PREPARE WATER POLLUTION CONTROL PROGRAM	LS		LUMP SUM	1,500.00
7	130800	TEMPORARY CONCRETE WASHBOUY	LS		LUMP SUM	500.00
8	160809	REMOVE CULVERT (LF)	LF	40	25.00	1,000.00
9	150600	REMOVE INLET	EA	2	500.00	1,000.00
10	153121	24" ALTERNATIVE PIPELINES	LF	350	386.00	135,100.00
11		BLANK				
12		BLANK				
13	150213	CLEANING, INSPECTING, AND PREPARING CULVERT (LF)	LF	300	10.00	3,000.00
14 (F)	010532	MINOR CONCRETE (MINCH BYSTRUCTURE)	CY	2.5	1,400.00	3,500.00
15	041167	18" PLASTIC PIPE	LF	40	200.00	8,000.00
16	700640	36" CORRUGATED STEEL PIPE INLET (1.98" THICK)	LF	6	625.00	3,750.00
17 (F)	780001	MISCELLANEOUS IRON AND STEEL	LB	342	4.00	1,368.00

135,401.00

TOTAL BID:

\$ 184,898.00

193,899.00  
ML

REPLACED PER ADDENDUM NO. 2 DATED MARCH 21, 2014

DL  
-16

Ex A



*J. S. Baker (on B.O. Book)*

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

# Second Bidder

DISTRICT-COUNTY-ROUTE:

CONTRACT NO: 04-153104

TOTAL BID: \_\_\_\_\_

BID OPENING DATE: 4/8/14

BIDDER'S NAME: Anvil Builders Inc.

DVBE PRIME CONTRACTOR CERTIFICATION # 1502820

Bid Item Number	Description of Work to Be Subcontracted to DVBE or Materials to Be Supplied by DVBE <sup>2</sup>	For Caltrans Only	DVBE (Name, Telephone No., and Certification No.)	\$ Amount
2	Traffic Control		Titan DVBE 530-246-7836 # 1249460	\$ 10,000.00

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.

Total Claimed Participation \$ 10,000.00  
59.0 %

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 credited 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 DVBEs, describe the exact part, including the planned location of work to be performed, or item to be performed or supplied by DVBE.

Submit to:

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

*[Signature]*  
 Signature of Bidder  
 Date: 4/21/14  
415-285-5000  
 (Area Code) Telephone Number  
**Hien Manh Tran**  
 Contact Person (Type or Print)

**ADA Notice** For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 854-6410 or TDD (916) 654-3890 or write Records and Forms Management, 1120 N Street, MS-80, Sacramento, CA 95814.

Ex C