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!

August 2, 2013

Facsimile: (209) 577-3735

Bruce C. Elliott, CFO
TCB Industrial, Inc.
2955 Farrar Avenue
Modesto, CA 95354

04-2A1104
04-Nap-121-20.2/20.4 PM
B.O. 07/24/2013

Dear Mr. Elliott:

The Department of Transportation (Caltrans) received a bid submitted by TCB Industrial, Inc. (TCB) for Contract No. 04-2A1104 on July 24, 2013. By this letter, Caltrans notifies TCB that its bid is nonresponsive because TCB failed to submit written confirmation with their Disadvantage Business Enterprise (DBE) commitment form.

> *Section 2-1.12B(2) of the revised 2010 Standard Specifications states in part, "...if the DBE commitment form is not submitted with the bid, the apparent low bidder, the 2nd low bidder, and the 3rd low bidder must complete and submit the form to the Office Engineer. The DBE commitment form must be received by the Office Engineer no later than 4:00 p.m., on the 4th business day after bid opening. If you do not submit the DBE commitment form by the specified time, your bid is nonresponsive."*

Caltrans utilizes its Standard Specifications as a basis/foundation, upon which each project is built and makes these Standard Specifications available to each bidder. It is the sole responsibility of that bidder to adhere/comply with those Standards. As evidenced, failure to comply with the standards results in a nonresponsive bid. Attached for TCB's reference are the specific sections which detail the requirements and instructions for submitting the DBE commitment forms and confirmations. Furthermore, the DBE Commitment form states, "...Copies of the DBE quotes are required." TCB failed to provide written confirmation for the DBE listed on the DBE Commitment form. Since TCB failed to submit the required DBE commitment form and quotes within 4 business days after bid opening, TCB's bid is considered nonresponsive.

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

Your attention is directed to Section 3-1.04 of the Amendments to the 2010 Standard Specifications. Caltrans is not obligated to offer an extension of the award period for a nonresponsive bid. Should you wish to extend your bid while resolving a nonresponsive finding, you must send your request to the Office Engineer no later than 4:00 p.m., two business days prior to the expiration of your bid.

If you have any questions, please contact Nicole Butler, Contract Awards Analyst, at (916) 227-6292.

Sincerely,

Robert B. Hannagel
for JOHN C. McMILLAN
Deputy Division Chief
Office Engineer
Division of Engineering Services

Attachment

2-1.12B(2) UDBE Commitment Submittal

Submit UDBE information on the *Caltrans Bidder - UDBE - Commitment* form (UDBE commitment form) included in the *Bid* book. If the form is not submitted with the bid, remove the form from the *Bid* book before submitting your bid.

If the UDBE commitment form is not submitted with the bid, the apparent low bidder, the 2nd low bidder, and the 3rd low bidder must complete and submit the form to the Office Engineer. The UDBE commitment form must be received by the Office Engineer no later than 4:00 p.m. on the 4th business day after bid opening.

Other bidders are not required to submit the UDBE commitment form unless the Department requests it. If the Department requests a UDBE commitment form from you, submit the completed form within 4 business days of the request.

Submit written confirmation from each UDBE shown on the form stating that it will be participating in the Contract. Include confirmation with the UDBE commitment form. A copy of a UDBE's quote will serve as written confirmation that the UDBE will be participating in the Contract.

If you do not submit the UDBE commitment form by the specified time, your bid is nonresponsive.

2-1.12B(3) Good Faith Efforts Submittal

If you have not met the UDBE goal, complete and submit the *Good Faith Efforts Documentation* form with the bid showing that you made adequate good faith efforts to meet the goal. Only good faith efforts directed toward obtaining participation by UDBEs are considered. If good faith efforts documentation is not submitted with the bid, it must be received by the Office Engineer no later than 4:00 p.m. on the 4th business day after bid opening.

If your UDBE commitment form shows that you have met the UDBE goal or if you are required to submit the UDBE commitment form, you must submit good faith efforts documentation within the specified time to protect your eligibility for award of the contract in the event the Department finds that the UDBE goal has not been met. Good faith efforts documentation must include the following information and supporting documents, as necessary:

1. Items of work you have made available to UDBE firms. Identify those items of work you might otherwise perform with your own forces and those items that have been broken down into economically feasible units to facilitate UDBE participation. For each item listed, show the dollar value and percentage of the total bid. You are responsible to demonstrate that sufficient work to meet the goal was made available to UDBE firms.
2. Names of certified UDBEs and dates on which they were solicited to bid on the project. Include the items of work offered. Describe the methods used for following up initial solicitations to determine with certainty whether the UDBEs were interested and include the dates of the follow-up. Attach supporting documents such as copies of letters, memos, facsimiles sent, telephone logs, telephone billing statements, and other evidence of solicitation. You are reminded to solicit certified UDBEs through all reasonable and available means and provide enough time to allow UDBEs to respond.
3. Name of selected firm and its status as a UDBE for each item of work made available. Include name, address, and telephone number of each UDBE that provided a quote and its price quote. If the firm selected for the item is not a UDBE, provide the reasons for the selection.
4. Name and date of each publication in which you requested UDBE participation for the project. Attach copies of the published advertisements.
5. Names of agencies and dates on which they were contacted to provide assistance in contacting, recruiting, and using UDBE firms. If the agencies were contacted in writing, provide copies of supporting documents.
6. List of efforts made to provide interested UDBEs with adequate information about the plans, specifications, and requirements of the contract to assist them in responding to a solicitation. If you have provided information, identify the name of the UDBE assisted, the nature of the information provided, and date of contact. Provide copies of supporting documents, as appropriate.
7. List of efforts made to assist interested UDBEs in obtaining bonding, lines of credit, insurance, necessary equipment, supplies, and materials excluding supplies and equipment that the UDBE subcontractor purchases or leases from the prime contractor or its affiliate. If such assistance is provided by you, identify the name of the UDBE assisted, nature of the assistance offered, and date assistance was offered. Provide copies of supporting documents, as appropriate.

1. You may view them at the Contract Plans and Special Provisions link at the Office Engineer–All Projects Currently Advertised Web site
2. For an informal-bid contract, you may obtain them at the Bidders' Exchange street address

01-20-12

Add a paragraph break between the 1st and 2nd sentences of the 5th paragraph of section 2-1.06B.

Add between "and" and "are" in item 2 in the list in the 7th paragraph of section 2-1.06B:

04-20-12

they

06-20-12

Delete "Underutilized" in "Underutilized Disadvantaged Business Enterprises" in the heading of section 2-1.12B.

06-20-12

Delete *U* in *UDBE* at each occurrence in section 2-1.12B.

Replace the 2nd paragraph of section 2-1.12B(1) with:

06-20-12

To ensure equal participation of DBEs provided in 49 CFR 26.5, the Department shows a goal for DBEs.

06-20-12

Delete the 3rd paragraph of section 2-1.12B(1):

Replace the 7th paragraph of section 2-1.12B(1) with:

06-20-12

All DBE participation will count toward the Department's federally-mandated statewide overall DBE goal.

Replace "offered" at the end of the 2nd sentence of item 7 in the list of 2nd paragraph of section 2-1.12B(3) with:

06-20-12

provided

01-20-12

Delete the 2nd paragraph of section 2-1.33A.

Replace the 3rd paragraph of section 2-1.33A with:

01-20-12

Except for each subcontracted bid item number and corresponding percentage and proof of each required SSPC QP certification, do not fax submittals.

** Transmit Conf.Report **

P.1 Aug 2 2013 03:44pm
CALTRANS CONTR AWARDS Fax 916-227-6282

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

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