

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 30th STREET
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6299
FAX (916) 227-6282
www.dot.ca.gov/hq/esc/oe



*Flex your power!
Be energy efficient!*

January 23, 2014

Facsimile: (925) 961-1925

William S. Stewart, President
RGW Construction, Inc.
550 Greenville Road
Livermore, CA 94550

04-2A6204
04-Sol-12-Var
B.O. 11/6/2013

Dear Mr. Stewart:

The Department of Transportation (Caltrans) received the attached Disadvantaged Business Enterprise (DBE) Commitment form for Contract No. 04-2A6204 from RGW Construction, Inc. (RGW) on November 12, 2013. Caltrans established a Disadvantaged Business Enterprise (DBE) goal of 11 percent for this project. RGW initially claimed DBE participation of \$802,775, or 11.8 percent of the total bid amount.

RGW listed (for credit towards the DBE goal) Black Diamond Asphalt (Black Diamond) to provide Hot Mix Asphalt for the amount of \$609,305. Based on the information outlined in the attached memorandum from the Office of Business and Economic Opportunity, Contract Evaluation Branch (CEB), Black Diamond's participation has been disallowed because Black Diamond will not be responsible for negotiating price, determining quality and quantity and ordering of the asphalt oil. Therefore, the commitment amount of \$609,395 listed for Black Diamond cannot be counted towards the DBE goal. As a result, the total dollar amount counted towards the DBE goal has been adjusted to \$181,680, or 2.3 percent of the total bid amount.

CEB staff determined that RGW demonstrated a good faith effort towards meeting the DBE participation goal for this contract.

The Resident Engineer will receive a copy of this letter for contract administration compliance.

If you have any questions, please contact John Myers, Contract Evaluation Analyst, at (916) 324-0988.

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

Attachments

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

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

Jan 23 2014 03:06pm

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
919259611925	Normal	23:03:00pm	5'50"	20	* O K	

STATE OF CALIFORNIA - CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND S. BROWN, Jr., Governor

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DIVISION OF ENGINEERING SERVICES
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Sincerely,

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

Attachments

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
 CALTRANS BIDDER - DBE - COMMITMENT
 DES-OE-0102.10C (NEW 06/2012)

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. 04-2A6204

BID AMOUNT: \$ 6,790,317.85

BID OPENING DATE: 11/6/13

BIDDER'S NAME: RGW Construction, Inc.

DBE GOAL FROM CONTRACT, %: 11%

DBE PRIME CONTRACTOR CERTIFICATION:

BID ITEM NO.	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED	FOR CALTRANS USE ONLY.	NAME OF DBEs (Must be certified on the date bids are opened - include California certification #, DBE address and phone number) (Indicate 2nd and lower tier subcontractors)	DOLLAR AMOUNT DBE
70	PG 64-10 Asphalt Binder - Provide		Black Diamond Asphalt, Inc. 118 Main Street Vacaville, CA 95688 Ph. 707-448-9402 Certification No. 22999	\$609,395

IMPORTANT: Identify all DBE firms being claimed for credit, regardless of tier. Names of the First Tier DBE Subcontractors and their respective item(s) of work listed above must be consistent, where applicable, with the names and items of work in the "Subcontractor List" submitted with your bid. Copies of the DBE quotes 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 furnished by DBE, describe exact portion of item to be performed or furnished.
- See section 2-1.12 of the specifications to determine the credit allowed for DBE firms.

Submit to:

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

Total Claimed Participation

~~\$181,680~~
~~\$802,775~~
 2.3 %
 11.8 % *Jm*

Signature of Bidder: *[Signature]*

Date: 11/8/13 Area Code Tel. No. 925-606-2400

Person to Contact: Dave Czech (Please Type or Print)

GOOD FAITH EFFORT APPROVED

ADA Notice For individuals with sensory disabilities, this document is available in alternate format by contacting the Department of Transportation at (916) 554-6100 or (916) 654-0880 or write Records and Forms Management, 1120 N Street, MS-82, Sacramento, CA 95814.

[Signature]
CONTRACT EVALUATION MANAGER
 DATE: **DEC 20 2013**

2 Second Bidder

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
 CALTRANS BIDDER - DBE - COMMITMENT
 DES-OE-0102.10C (HEW 06/2012)

11-12-13P03:15 RCVD

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: 04-2A6204

BID AMOUNT: \$ 6,790,317.85

BID OPENING DATE: 11/6/13

BIDDER'S NAME: RGW Construction, Inc.

DBE GOAL FROM CONTRACT, %: 11%

DBE PRIME CONTRACTOR CERTIFICATION¹:

BID ITEM NO.	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED ²	FDR CALTRANS USE ONLY	NAME OF DBEs (Must be certified on the date bids are opened - include Caltrans certification #, DBE address and phone number) (Indicate 2nd and lower tier subcontractors)	DOLLAR AMOUNT DBE ³
35,39,108, 111-114	Remove MBGR, MBGR, Transition Railing and Anchor Assembly, Treated Wood Waste, Alternate In Line Terminal System, Alternate Flared Terminal System	<u>C8000</u>	Frank Medina General Engineering Contractor 10096 Ahart Road Oroville, CA 95966 530-745-0744 Certification No. 14717	47,270
37,38,103,104, 105, 110	Remove Fence, Remove Gate, Fence (Type WM, Metal Post) Temporary Fence (Type WM), 20" Wire Mesh Gate, Chain Link Railing			246,110 <u>\$134,410</u> <i>Jm</i>
<p>IMPORTANT: Identify all DBE firms being claimed for credit, regardless of tier. Names of the First Tier DBE Subcontractors and their respective item(s) of work listed above must be consistent, where applicable, with the names and items of work in the "Subcontractor List" submitted with your bid. Copies of the DBE quotes are required.</p> <p>1. DBE prime contractors must enter their certification number and indicate all work to be performed by DBEs including work performed by its own forces.</p> <p>2. If 100% of item is not to be performed or furnished by DBE, describe exact portion of item to be performed or furnished.</p> <p>3. See section 2-1.12 of the specifications to determine the credit allowed for DBE firms.</p>				<p>Total Claimed Participation</p> <p>\$ _____</p> <p>% _____</p>

Submit to:

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

[Signature]
 Signature of Bidder

11/8/13
 Date

925-606-2400
 (Area Code) Tel. No.

Dave Czech

Person to Contact

(Please Type or Print)

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-98, Sacramento, CA 95814.

FRANK MEDINA GENERAL ENGINEERING
10096 AHART ROAD
OROVILLE, CA 95966
OFFICE - 530-743-0744; FAX - 530-743-9352

***Bid Item 110 EXCLUDES Post Pockets.

***Quote is based on all items.

*** Quote INCLUDES 2 mobilizations. Additional mobilizations to be charged at \$1000 ea. (+ \$2,000)

***Quote is based on Regular shift hours M-F. Weekends, Holidays, and Night Work subject to wage premiums.

***Stand By Time: \$250 per Hour Excluding Weekend or Holiday Hours

Terms: Due and payable within 30 days from date of installation and/or as per Business and Professional Code 7108.5 and Public Contract Code 10262.5 (for progress payments). Attorney Fees and interest: If court action be instituted on this invoice, general contractor promises to pay reasonable attorney fees. A late payment charge of 1 1/2% per month will be charged on all invoices not paid within terms of quote. This is annual percentage rate of 18%.

IF QUOTE IS USED AND YOU ARE THE LOW BIDDER AND YOU LISTED FRANK MEDINA AS A SUBCONTRACTOR, NOTIFY OFFICE WITHIN 48 HOURS.

Price Breakdown for Frank Medina to RGW Construction

Bid Item	Item Price	Quantity	Extension
35 ✓	\$ 0.50	4400	\$ 2,200.00
39	\$ 10.00	340	\$ 3,400.00
108	\$ 24.00	580	\$ 13,920.00
111	\$ 3,000.00	4	\$ 12,000.00
112	\$ 750.00	1	\$ 750.00
113	\$ 3,000.00	4	\$ 12,000.00
114	\$ 3,000.00	1	\$ 3,000.00
			\$ 47,270.00

37 ✓	\$ 3.00	12340	\$ 37,020.00
38	\$ 500.00	1	\$ 500.00
103	\$ 6.50	11860	\$ 77,090.00
104	\$ 6.50	200	\$ 1,300.00
105	\$ 2,000.00	1	\$ 2,000.00
110	\$ 110.00	150	\$ 16,500.00
			\$ 134,410.00

\$ 181,680.00

David Czech

From: Scott Oliver <scott.oliver@georgereed.com>
Sent: Friday, November 08, 2013 8:55 AM
To: David Czech
Subject: FW: George Reed 04-2A6204
Attachments: image003.jpg; ATT00001..htm; George Reed 04-2A6204.pdf; ATT00002.htm

David- The Oil buy is \$578.55/ton and the Haul is \$24/ton. In terms of DBE credits, you can take 60% of the buy, and 100% of the haul. As a frame of reference in order to calculate how much oil you will need to buy and haul to purchase 32,850 tons, each truck load of Asphalt Oil will produce approx. 500 tons of Asphalt. A truck load of oil is approx. 25 tons.

$$\approx 1,642 \text{ TONS OF PG 64-10} \quad (1,642)(\$578.55)(0.6) = \$569,987$$
$$(1,642)(\$24) = \$39,408$$

Thanks, Scott

From: Vicki Brown
Sent: Thursday, November 07, 2013 4:06 PM
To: Scott Oliver
Subject: Fwd: George Reed 04-2A6204

DBE PARTICIPATION = \$609,395

Sent from my iPhone

Begin forwarded message:

From: Allison <allisonragan@earthlink.net>
Date: November 7, 2013 at 3:50:19 PM PST
To: Vicki Brown <vicki.brown@georgereed.com>
Subject: George Reed 04-2A6204

Here you go.....

Thank You,

Allison Ragan
President
(707)448-9402 office
(707)448-9407 fax
aragan@blackdiamondasphalt.com

CONFIDENTIALITY NOTICE: This communication and any accompanying document(s) are confidential and privileged. They are intended for the sole use of the addressee. If you are not the intended recipient, you are hereby notified that any use or disclosure of this information is strictly prohibited. If you have received this message in error, please notify the sender immediately by reply e-mail and permanently delete the original message and any attachments. Your compliance is appreciated.



November 6, 2013
George Reed Construction
Attn: Vicki Brown

MAIL QUOTE: vicki.brown@georgereed.com

Project: Highway 12 Solano County
Caltrans: 04-2A6204
Bid Date: November 6, 2013

Bid Item	Product	Freight To Clements
	PG 64-10 +/- 600	\$602.55/ton

Black Diamond Asphalt, Inc is a Caltrans certified UDBE supplier.
Certification number: 22999
Expiration Date: June 2014

- Above price for freight is based on full loads
- It is our understanding that this project is subject COPI Index 5%
- This quote does NOT include sales/use tax of federal spill funds.
- **DFSC (Diesel Fuel Surcharge) is included**
- Terms: Net 30 Days; subject to credit approval.

- THESE PRICES ARE VALID FOR 15 DAYS FROM THE DATE OF THIS QUOTE
- THIS QUOTE DOES NOT GUARANTEE SUPPLY OR TRANSPORTATION UNTIL WE RECEIVE A SIGNED ACCEPTANCE TO CONFIRM THIS QUOTE.

SIGNED ACCEPTANCE _____ DATE _____

118 Main Street Vacaville, CA 95688 Phone (707) 448-9402 FAX (707) 448-9407
PO Box 1643 Modesto, CA 95353-1643

[Back To Query Form](#)

Search Returned 1 Records

Tue Dec 10 08:36:30 PST 2013

Query Criteria

Firm/DBA Name: black diamond

Firm Type: DBE

Firm ID	22999
Firm/DBA Name	BLACK DIAMOND ASPHALT, INC.
Address Line1	118 MAIN STREET
Address Line2	
City	VACAVILLE
State	CA
Zip Code1	95688
Zip Code2	
Mailing Address Line1	P. O. BOX 1643
Mailing Address Line2	
Mailing City	MODESTO
Mailing State	CA
Mailing Zip Code1	95354
Mailing Zip Code2	
Certification Type	DBE
Email	aragan@blackdiamondasphalt.com
Contact Name	ALLISON RAGAN
Area Code	(707)
Phone Number	448-9402
Fax Area Code	(707)
Fax Phone Number	448-9407
Agency Name	DEPARTMENT OF TRANSPORTATION
Counties	01; 02; 03; 04; 05; 06; 07; 08; 09; 10; 11; 12; 13; 14; 15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 30; 31; 32; 33; 34; 35; 36; 37; 38; 39; 40; 41; 42; 43; 44; 45; 46; 47; 48; 49; 50; 51; 52; 53; 54; 55; 56; 57; 58;
Districts	01; 02; 03; 04; 05; 06; 07; 08; 09; 10; 11; 12;
DBE NAICS	324121; 484110;

ACDBE NAICS

Work Codes	C0639 ASPHALT SUPPLIER; C9774 TRUCKER;
Licenses	A.General-Engineering Contractor;
Trucks	FOR HIRE - 5;
Gender	
Ethnicity	BLACK
Firm Type	DBE

[Back To Query Form](#)

[Back To Query Form](#)

Search Returned 1 Records

Tue Dec 10 08:36:43 PST 2013

Query Criteria

Firm/DBA Name: frank medina

Firm Type: DBE

Firm ID	14717
Firm/DBA Name	FRANK MEDINA GENERAL ENGINEERING CONTRACTOR
Address Line1	10096 AHART ROAD
Address Line2	
City	OROVILLE
State	CA
Zip Code1	95966
Zip Code2	
Mailing Address Line1	
Mailing Address Line2	
Mailing City	
Mailing State	
Mailing Zip Code1	
Mailing Zip Code2	
Certification Type	DBE
Email	roxanne.medina@att.net
Contact Name	FRANK MEDINA
Area Code	(530)
Phone Number	743-0744
Fax Area Code	(530)
Fax Phone Number	743-9352
Agency Name	DEPARTMENT OF TRANSPORTATION
Counties	01; 02; 03; 04; 05; 06; 07; 09; 10; 11; 12; 15; 16; 17; 18; 20; 21; 23; 24; 25; 26; 27; 28; 29; 31; 32; 34; 35; 38; 39; 40; 41; 42; 43; 44; 45; 46; 47; 48; 49; 50; 51; 52; 53; 54; 55; 57; 58;
Districts	01; 02; 03; 04; 05; 06; 09; 10;
DBE NAICS	237310; 237990; 238110; 238120; 238910; 238990;

ACDBE NAICS

C1200 CONSTRUCTION AREA SIGNS; C1522 RESET, ADJUST ROADWAY ITEMS; C1575 REMOVE BRIDGE ITEM; C1580 MODIFY BRIDGE ITEM; C1601 CLEARING & GRUBBING; C1901 ROADWAY EXCAVATION; C1910 GRADING; C1920 STRUCTURE EXCAVATION; C1930 STRUCTURE BACKFILL; C1940 DITCHES EXCAVATION; C5501 STEEL STRUCTURES; C5570 STEEL CRIB WALL; C5601 SIGN STRUCTURE; C5620 ROADSIDE SIGN; C7500 MISC IRON & STEEL FRAME, COVER & GRATE; C8000 FENCING CONTRACTOR; C8201 OBJECT MARKER; C8320 METAL BEAM GUARD RAILING; C8331 CONCRETE BARRIER; C8391 METAL BEAM BARRIER; C9810 SMALL STRUCTURES; C9980 DEMOLITION; A General Engineering Contractor; C13 Fencing Contractor; C31 Construction Zone Traffic Control Contractor;

Work Codes

Licenses

Trucks

Gender

Ethnicity

Firm Type

M
HISPANIC
DBE

[Back To Query Form](#)

Memorandum

*Flex your power!
Be energy efficient!*

To: EARL SEABERG
Chief
Office of Contract Awards & Services
Office Engineer (OE)

Date: December 18, 2013

From: DEPARTMENT OF TRANSPORTATION (CALTRANS)
Contract Evaluation Branch (CEB)
Office of Business and Economic Opportunity

Contract Number: 04-2A6204
Contract Goal: 11.0%
Bid Advertising Date: August 26, 2013
Bid Opening Date: November 6, 2013
Type of Work: Widen Shoulders and Intersections
Bid Amount: \$6,790,317.85

Subject: Evaluation of Good Faith Effort

Introduction

The evaluation of RGW Construction Division (RGW Construction) good faith effort (GFE) is in accordance with "*Guidance Concerning Good Faith Efforts*" contained in *49 Code of Federal Regulation (CFR) Part 26, Appendix A*.

After considering all the information provided by RGW Construction as discussed herein, the Contract Evaluation Unit (CEB) has concluded that RGW Construction demonstrated a good faith effort to meet the Disadvantaged Business Enterprise (DBE) contract goal for the reasons set forth below.

DBE Participation

After reviewing RGW Construction's DBE Commitment form, the CEB determined that Black Diamond Asphalt will not be responsible for negotiating price, determining quality and quantity and ordering of the asphalt oil. Therefore, the dollar amount (\$609,395) listed for Black Diamond Asphalt to provide asphalt oil was not counted towards the DBE goal.¹

After the subtraction of the dollar amount from Black Diamond Asphalt, RGW Construction's DBE attainment is 2.3%.

According to the Caltrans Project Database, on August 26, 2013, RGW Construction obtained the project plans for contract #04-2A6204, thus giving RGW Construction 72 calendar days to solicit DBE participation.

¹ 49 CFR § 26.55(c): "Count expenditures to a DBE contractor toward DBE goals only if the DBE is performing a commercially useful function on that contract... the DBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality, and quantity, ordering the material, and installing (where applicable) and paying for the material itself."

EVALUATION OF GOOD FAITH EFFORT DOCUMENTATION

1. Work the bidder made available to DBE firms

A. Claimed by bidder

Value of Items of Work Made Available: \$4,071,500

Percentage of Items of Work claimed: 39.8%

On page 1 of 3, of the Good Faith Efforts Documentation RGW Construction listed the bid items it claimed to have made available to DBE firms.

The amount of work made available is not the claimed amount. When properly dividing the amount of work made available by the total bid amount the correct percentage is actually 59.9%.

B. Calculated by CEB

Value of Actual Items of Work Made Available: \$4,155,959

Percentage of Actual Items of Work: 61.2%

The CEB cross-referenced the work that RGW Construction claimed was made available to DBE firms with the solicitations for DBE participation. The contract bid items made available in the solicitations for DBE participation totaled \$4,155,959 or 61.2% of the total bid amount – see ATTACHMENT A.

The CEB finds that RGW Construction made an adequate amount of work available to show a good faith effort to meet the goal.

2. Publication efforts placed by the bidder to increase DBE participation

Prime Ad Used: Yes

Prime Ad Placement Date: September 30, 2013

Other Ads Used: Yes

Advertisement Method: Daily Construction Service

Advertisement Date: October 7, 2013

Advertisement End Date: October 22, 2013

RGW Construction provided a publication proof from the Daily Construction Service, a newspaper publication.

Advertisement Method: Small Business Exchange

Advertisement Date: October 7, 2013

Advertisement End Date: October 24, 2013

RGW Construction provided publication proofs from Daily Construction Service, a newspaper and internet publication.

The CEB finds that RGW Construction advertised in such a manner as to show a good faith effort to meet the goal.

3. Documentation of Solicitation Efforts

Type of Solicitation	Method	Date	# of Firms
Initial	E-Mail	October 8, 2013	396
Initial	Fax	October 9, 2013	396
Follow Up	E-mail and Fax	November 4, 2013	396

A. Search for DBE firms and initial solicitation efforts

Number of firms identified by bidder: 396
Number of DBE firms solicited by bidder: 396

RGW Construction provided a copy of the search of the California Unified Certification Program (CUCP). According to the documentation provided, this search was conducted on October 3, 2013, and identified 396 individual DBE firms for solicitation.

RGW Construction provided copies of the invitation to bid sent to DBEs, fax transmissions, e-mail transmissions and a DBE contact log. According to the log, a total of 396 individual DBEs were e-mailed and faxed an invitation to bid.

The CEB reviewed the invitations to bid that were e-mailed and faxed at least 28 calendar days prior to the bid opening date and confirmed the documentation contained the contract number, contact information, and items of work made available.

B. Follow-up solicitation efforts

Follow-up solicitation date: November 4, 2013
Number of DBE firms interested in bidding: 10

RGW Construction provided copies of returned faxes and returned e-mails. According to the documentation provided, the follow up to initial solicitation resulted in the following outcome:

Yes	No	Maybe	No Answer
10	11	0	375

Therefore, by November 4, 2013, two days prior to the bid opening date, RGW Construction could have reasonably expected to have met the goal. For a list of bid items that could be performed by the 10 DBEs that indicated they would be bidding, see ATTACHMENT B.

C. Opt-in efforts

Number of DBE firms that used Opt-in: 51

Number of Opt-in DBE firms solicited by bidder: 4

There were a total of 51 opt-in records; 33 firms claimed DBE status. Of the 33 firms that claimed DBE status, 15 were certified as DBE and could have reasonably participated on this project. Those DBEs are:

- Pruitt Trucking (solicited)
- Vintage Paving (solicited)
- R & S Trucking (solicited)
- AC Dike Company (solicited)
- Western Traffic Supply (solicited)
- CMC Traffic Control Specialists (solicited)
- Austin Enterprise (solicited)
- Roby Trucking (solicited)
- Pacific Coast Water Truck
- Triumph Geosynthetics
- KRC Safety Company (solicited)
- A.J. Vasconi General Engineering (solicited)
- Maneri Traffic Control (solicited)
- Water Components Building Supply (solicited)
- R&S Trucking (solicited)

D. Independent Searches by CEB

Work Code and License: C1201 and C-31

Description: Traffic Control (work items 4,5,10-13)

Number of DBE firms in the CUCP: 8

Number Traffic Control DBEs Solicited: 8

RGW Construction will self-perform traffic control bid items.

The CEB performed an independent search of the California Unified Certification Program (CUCP) database for DBE firms that indicated they could work in Caltrans District 4 and provide traffic control as a normal part of their business function; this search located 8 DBEs. RGW Construction sent an invitation to bid to all of these DBE firms.

Work Code and License: C5100 and A, C-8

Description: Structural Concrete (work items 81-82)

Number of DBE firms in the CUCP: 17

Number Traffic Control DBEs Solicited: 17

RGW Construction will self-perform structural concrete bid items.

The CEB performed an independent search of the CUCP database for DBE firms that indicated they could work in Caltrans District 4 and provide structural concrete as a normal part of their business function; this search located 17 DBEs. RGW Construction sent an invitation to bid to all of these DBE firms.

Contract Evaluation Unit Analysis of RGW Construction Solicitation Efforts

On October 3, 2013, RGW Construction searched the CUCP for the purpose of identifying DBEs for solicitation.

RGW Construction actively and aggressively solicited DBEs that could have reasonably participated. This solicitation effort resulted in receiving quotations from 13 individual DBEs, which totaled is sufficient to meet the goal.

The CEB finds that RGW Construction solicited in such a manner as to show a good faith effort to meet the goal.

4. Rejected DBE information

DBE Bids Rejected:

According to the documentation provided, RGW Construction received quotations from 12 DBE firms; 2 were accepted and 10 were rejected. The following table lists the 10 DBEs and the reason for rejection:

Work Item(s)	Selected Firm & Amount	Rejected DBE Firm	Reason	Amount	Difference
Erosion Control	Marina Landscape \$140,525	Nitta Erosion Control	Price	\$178,130	\$37,605
19,20,24,58,60,61-66	Marina Landscape \$323,478	J&M Land Restoration	Price	\$350,387	\$26,909
Trucking	Undetermined	Roby Trucking	N/A	N/A	N/A
A.C. Dike	RGW Construction \$3,652	A.C. Dike Company	Self-Performance	\$3,815	(\$164)
Crack Treatment	RGW Construction \$17,400	Austin Enterprise	Self-Performance	\$19,668	\$2,268
Fencing	Frank Medina General Engineering	Oliveira Fence	Other DBE	N/A	N/A
Guard Railing	Frank Medina General Engineering	PC&N Construction	Other DBE	N/A	N/A
SWPPP	RGW Construction \$1,500	S. Kwok Engineers	Self-Performance	\$1,500	(\$0.00)
Signage	RGW Construction \$22,865	Schotka Construction	Self-Performance	\$20,513	\$2,352
Water Quality	RGW Construction \$10,800	Tully Consulting Group	Self-Performance	\$85,100	\$74,300

Of the 10 DBE quotations that were rejected, 8 were rejected for valid reasons 2 were not.

RGW Construction rejected the quotation from AC Dike Company to place hot mix asphalt dike (bid items #75 and #76) and has elected to self perform this work. According to the documentation provided, the quotation from AC Dike Company was \$164 cheaper than the bid amounts for contract items #75 and #76. RGW Construction did not provide a reason for rejecting the quotation from AC Dike Company.

RGW Construction rejected the quote from S. Kwok Engineers to provide a storm water pollution prevention plan. According to the documentation provided, the quotation from S. Kwok Engineers was the same price as the bid amount for contract bid item #15 prepare storm water pollution prevention plan. RGW Construction did not provide a reason for rejecting the quotation from S. Kwok Engineers.

While the reasons for rejecting the quotations from AC Dike Company and S. Kwok Engineers were not valid or not stated, the inclusion of these DBEs would not have been significant enough to meet the DBE goal.

The CEB finds that RGW Construction did not provide valid reasons for rejecting quotes from two DBEs.

5. The names of agencies and the dates on which they were contacted to provide assistance in contacting, recruiting, and using DBE firms. If the agencies were contacted in writing, provide copies of supporting documents

In part 5 of the Good Faith Effort documentation, RGW Construction provided a statement "Attachment 5." The document entitled "Attachment 5" was the contact log. CEB staff could not find any instance of an agency that could have assisted in the recruitment of DBEs.

Other than accessing the CUCP, RGW Construction did not provide any documentation of the contact of agencies that for the specific purpose of recruiting DBEs.

The CEB finds that RGW Construction did not use recruitment agencies in such a manner as to show a good faith effort.

6. Efforts to provide information about the plans, specifications, and contract requirements

The advertisement in the *Small Business Exchange, Daily Construction Service*, and the invitation to bid sent to DBE firms included the following statement: "Plans and Specs are available to view and copy at office or Caltrans website... contact Dave Czech 925-606-2400."

The advertisement in the *Caltrans Prime Ad* included the following statement: "Plans and specs are available for review at our Livermore office, local plan rooms or builders exchange."

The CEB finds that RGW Construction adequately made plans and specifications available to show a good faith effort to meet the goal.

7. Assistance with bonding, lines of credit, insurance, equipment, supplies, materials, and/or services

The advertisement in the *Small Business Exchange, Daily Construction Service*, and the invitation to bid sent to DBE firms included the following statement: "Contact Dave Czech 925-606-2400 david.czech@rgwconstruction.com for any questions, including bonding, lines of credit, or insurance or equipment or material suppliers. For bonding and other assistance, please call."

The advertisement in the *Caltrans Prime Ad* included the following statement: "RGW can provide assistance with bonding (if required), lines of credit and/or insurance as well as any technical assistance. RGW can also provide assistance in obtaining any necessary equipment, supplies, or materials."

The CEB finds that RGW Construction did make an adequate attempt to make bonding, lines of credit, insurance, equipment, supplies, materials and/or services available to show a good faith effort to meet the goal

8. Additional data to support a demonstration of good faith efforts

RGW Construction did not provide any additional data.

Top Bidders' Claimed DBE Participation

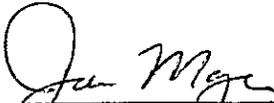
<u>Responsive Bidders :</u>	<u>Claimed DBE Commitment</u>	<u>Claimed DBE Participation</u>	<u>Percentage</u>
RGW Construction	\$6,790,317.85	\$802,775	11.80%
O.C. Jones & Sons, Inc.	\$6,794,237.75	\$749,375	11.03%

FINDING OF CALIFORNIA DEPARTMENT OF TRANSPORTATION:

The CEB has determined that RGW Construction demonstrated a good faith effort to meet the DBE participation goal for this contract for the reasons cited in this evaluation report.

Prepared by:

Approved by:



JOHN MYERS

Analyst
Contract Evaluation Unit



SHERRI GASTINELL

Chief
Program Operations Branch &
Contract Evaluation Unit

ATTACHMENT A

Fabric and Oils	" "	\$9,000
Construction Area Signs	4 CONSTRUCTION AREA SIGNS	\$4,900
Object Marker	106 OBJECT MARKER	\$300
Traffic Control	5 TRAFFIC CONTROL SYSTEM	\$170,000
Cold Plane	53 COLD PLANE ASPHALT CONCRETE	\$64,680
Crack Fill	69 CRACK TREATMENT	\$17,400
Clear & Grub	55 CLEARING AND GRUBBING	\$75,000
Hydroseeding	64 HYDROSEED SQFT	\$55,300
Erosion Control	60 ROLLED EROSION CONTROL PRODUCT (NETTING)	\$1,848
	61 HYDROMULCH	\$15,590
	62 FIBER ROLLS	\$78,000
	63 STRAW	\$12,090
	65 COMPOST SQFT	\$60,900
AC Dike	75 PLACE HOT MIX ASPHALT DIKE (TYPE C)	\$1,400
	76 PLACE HOT MIX ASPHALT DIKE (TYPE F)	\$2,415
Pile Driving (Steel Sheet)	80 DRIVE STEEL SHEET PILE	\$63,125
Structural Concrete	81 (F) STRUCTURAL CONCRETE, BOX CULVERT	\$101,242
	82 (F) STRUCTURAL CONCRETE, HEADWALL	\$113,100
Reinforcing Steel	84 (F) BAR REINFORCING STEEL	\$21,938
Signs, Roadside	87 ROADSIDE SIGN - ONE POST	\$3,400
	88 ROADSIDE SIGN - TWO POST	\$750
Rock Slope Protection	98 (F) ROCK SLOPE PROTECTION	\$2,925
	99 (F) ROCK SLOPE PROTECTION (NO. 2, METHOD B)	\$10,725
	100 ROCK SLOPE PROTECTION FABRIC (CLASS 8)	\$253
Fencing	103 FENCE (TYPE WM, METAL POST)	\$83,020
	104 TEMPORARY FENCE (TYPE WM)	\$13,000
Object Marker	106 OBJECT MARKER (TYPE L-1)	\$300
Metal Beam Guard Railing	108 METAL BEAM GUARD RAILING	\$15,080
Striping/Pavement Marking	116 4" THERMOPLASTIC TRAFFIC STRIPE	\$17,955
	117 8" THERMOPLASTIC TRAFFIC STRIPE	\$944
	118 THERMOPLASTIC PAVEMENT MARKING	\$3,440
	119 4" THERMOPLASTIC TRAFFIC STRIPE	\$368
	120 4" THERMOPLASTIC TRAFFIC STRIPE	\$76
	121 PAVEMENT MARKER (RETROREFLECTIVE)	\$4,830
SWPPP	17 STORM WATER ANNUAL REPORT	\$6,000
Roadway Excavation	56 ROADWAY EXCAVATION	\$440,880
Aggregate Base	68 CLASS 2 AGGREGATE BASE	\$331,100
Asphalt Paving	70 HOT MIX ASPHALT TON	\$2,299,500
Hazardous Substance Removal	34 REMOVE YELLOW THERMOPLASTIC TRAFFIC	\$7,695
Trucker	79 TRUCKING FOR FURNISH STEEL SHEET PILING	\$30,300
	12 TRUCKING TEMPORARY RAILING (TYPE K)	\$14,190
Sweeper	28 STREET SWEEPING LS LUMP	\$1,000
	Total Work Made Available in Solicitations	\$4,155,959
	Percentage Of Total Bid	61.2%

ATTACHMENT B

Wesetern

Traffic Supply	Roby Trucking	Double M Trucking	CMC Traffic Control	De Leon's Transport	R&S Trucking	Frank Medina Engineering	S. Kwok Engineers	Chavez Trucking	Appian SWPPPS
C1200	C9774	C9602	C1201	C9774	C9774	C1522	C2030	C0624	C8794
C1201		C9605				C1575	C8703	C0625	C8851
C8609		C9774				C1580	C8705	C0639	C8852
						C1601	C8715	C0651	
						C7500	C8720	C9602	
						C8000	C8766	C9605	
						C8201	C8778	C9774	
						C8331	C8781		
						C8391	C8793		
							C8781		
							C8794		

C1200	4	120090	CONSTRUCTION AREA SIGNS LS LUMP SUM	4,900.00	4,900.00				\$4,900
C1201	12	129000	TEMPORARY RAILING (TYPE K) LF	12,900	11.00	141,900.00			\$141,900
C1201	5	120100	TRAFFIC CONTROL SYSTEM LS LUMP SUM	170,000.00		170,000.00			\$170,000
C1201	8	120165	CHANNELIZER (SURFACE MOUNTED) EA	210	30.00	6,300.00			\$6,300
C1201	9	120166	CHANNELIZER (SURFACE MOUNTED) (LEFT IN PLACE) EA	210	30.00	6,300.00			\$6,300
C1201	6	120149	TEMPORARY PAVEMENT MARKING (PAINT) SQFT	590	2.00	1,180.00			\$1,180
C1201	11	128652	PORTABLE CHANGEABLE MESSAGE SIGN (LS) LS LUMP SUM	9,000.00		9,000.00			\$9,000
C1201	13	025448	TEMPORARY ALTERNATIVE CRASH CUSHION EA	21	2,000.00	42,000.00			\$42,000
C1601	55	160102	CLEARING AND GRUBBING (LS) LS LUMP SUM	75,000.00		75,000.00			\$75,000
C2030	58	210010	MOVE-IN/MOVE-OUT (EROSION CONTROL) EA	6	750.00	4,500.00			\$4,500
C2030	59	210110	IMPORTED TOPSOIL (CY) CY	7	150.00	1,050.00			\$1,050
C2030	60	210270	ROLLED EROSION CONTROL PRODUCT (NETTING) SQFT	2,640	.70	1,848.00			\$1,848
C2030	61	210300	HYDROMULCH SQFT	553,000	.03	16,590.00			\$16,590
C2030	62	210350	FIBER ROLLS LF	26,000	3.00	78,000.00			\$78,000
C2030	63	210420	STRAW SQFT	403,000	.03	12,090.00			\$12,090
C2030	64	210430	HYDROSEED SQFT	553,000	.10	55,300.00			\$55,300
C2030	65	210600	COMPOST SQFT	406,000	.15	60,900.00			\$60,900
C2030	66	210630	INCORPORATE MATERIALS SQFT	85,000	.35	29,750.00			\$29,750
C7500	102 (F)	750001	MISCELLANEOUS IRON AND STEEL LB	1,130	3.30	3,729.00			\$3,729
C8000	103	800051	FENCE (TYPE WM, METAL POST) LF	11,860	7.00	83,020.00			\$83,020
C8000	104	80D102	TEMPORARY FENCE (TYPE WM) LF	2,000	6.50	13,000.00			\$13,000
C8000	105	801270	20' WIRE MESH GATE EA	1	2,000.00	2,000.00			\$2,000
C8201	111	839541	TRANSITION RAILING (TYPE WB) EA	4	2,575.00	10,300.00			\$10,300
C8391	112	839581	END ANCHOR ASSEMBLY (TYPE SFT) EA	1	600.00	600.00			\$600
C8391	113	839584	ALTERNATIVE IN-LINE TERMINAL SYSTEM EA	4	2,700.00	10,800.00			\$10,800
C8391	114	839585	ALTERNATIVE FLARED TERMINAL SYSTEM EA	1	2,400.00	2,400.00			\$2,400
C8391	115	025457	CONCRETE BARRIER (TYPE 732A MODIFIED) LF	150	100.00	15,000.00			\$15,000
C8852	15	130300	PREPARE STORM WATER POLLUTIDN PREVENTION PLAN LS LUMP SUM	1,500.00					\$1,500
C8852	18	025450	WATER QUALITY MONITDRING REPORT EA	4	200.00	800.00			\$800
C9774	53		TRUCKING FOR COLD PLANE ASPHALT CONCRETE PAVEMENT	64,680.00					\$6,468
C9774	67		TRUCKING FOR CLASS 4 AGGREGATE SUBBASE	260,760.00					\$26,076
C9774	68		TRUCKING FOR CLASS 2 AGGREGATE BASE (CY) CY	7,700	43.00	331,100.00			\$33,110

C9774	70 TRUCKING FOR HOT MIX ASPHALT	2,299,500.00	\$29,950
C9774	79 TRUCKING FOR STEEL SHEET PILING	SQFT 303,000.00	\$30,300
C9774	98 TRUCKING FOR ROCK SLOPE PROTECTION	2,925.00	\$292
C9774	99 TRUCKING FOR ROCK SLOPE PROTECTION (METHOD B)	10,725.00	\$1,072
			TOTAL \$987,025
			PERCENTAGE OF TOTAL BID 14.5%