

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 30th STREET
P. O. BOX 168041
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6300
FAX (916) 227-6282
TTY 711



*Flex your power!
Be energy efficient!*

March 28, 2013

Facsimile: (707) 747-0593

Jeff Foerste, President
American Civil Constructors West Coast, Inc.
3701 Mallard Drive
Benicia, CA 94510

04-2E7104
04-SCI-82,85,87,101,152,237-VAR
B.O. 01/30/2013

Dear Mr. Foerste:

The Department of Transportation (Caltrans) received the attached protest letter dated February 21, 2013 from American Civil Constructors West Coast, Inc. (ACC) alleging that Truesdell Corporation of California (Truesdell) subcontractors list is not consistent with their Certified Small Business Listing for the Non-Small Business Preference (Small Business) and Certified Disabled Veteran Business Enterprise (DVBE) Summary forms.

Caltrans did not complete an evaluation of this protest since the bid submitted by Truesdell was found nonresponsive.

Based on the above, Caltrans finds ACC's protest has no bearing on the awarding of this contract. Caltrans will proceed to award the contract to the lowest responsible bidder provided that all requirements are met.

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

Sincerely,


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

Attachment



February 21, 2013

California Department of Transportation
Division of Engineering Services
Office Engineer MS 43
Attn: Mike Ferrara
1727 30th St.
Sacramento, CA 95816-8041
Fax: 916-227-6282

Re: Bid Protest of Truesdell Corporation of California
Contract: 04-2E7104
Bid Opening: January 30, 2013

Dear Mr. Ferrara,

American Civil Constructors, West Coast Inc. (ACC) hereby protests the award of the above referenced contract to Truesdell Corporation of California due to critical errors in their bid documents. After reviewing the bid documents, it is apparent that Truesdell's proposal has major conflicts. Their bid documents have significant omissions and irregularities when comparing the *Subcontractor List* (Attachment A), *Certified DVBE Summary* (Attachment B), and *Certified Small Business Listings* (Attachment C).

Highway Specialty Company is listed in Truesdell's *Certified Small Business Listing* as performing Traffic Control System, but not on the *Subcontractor List*.

Public Contract Code Section 4100 and Caltrans' *Subcontractor List* require the listing of all major subcontractors whose dollar amount is greater than ½ of 1 percent of the total bid or \$10,000, whichever is greater. Based on Truesdell's bid price, subcontractors with bid values greater than \$10,000 would have to be listed on Columns 1 and 4 of the *Subcontractor List* and submitted with the bid.

From:



Highway Specialty Company (Attachment D) is claimed on the *Certified Small Business Listing* for Bid Item #3, Traffic Control System, for an amount of **\$91,000**. This is a substantial dollar amount, and greatly exceeds the subcontractor listing threshold. Although listed for several other bid items, there is zero mention of Highway Specialty Company performing Bid Item #3, Traffic Control System, on Truesdell's *Subcontractor List*. By failing to list Highway Specialty Company for Bid Item #3 on their *Subcontractor List*, Truesdell failed to provide complete information in Columns 1 through 4 within the time specified, and should be rendered nonresponsive.

Titan DVBE is listed on Truesdell's DVBE Summary to perform Traffic Control System, but not on the Subcontractor List.

Also absent from Truesdell's *Subcontractor List* is Titan DVBE, another traffic control subcontractor. Titan DVBE is listed on their *Certified DVBE Summary Form* for Bid Item #3, Traffic Control System, and totals **\$21,000**, which is also well above the listing threshold for subcontractors. Without describing the exact portion of work, as required in the *Certified DVBE Summary Form*, it appears Titan DVBE is performing 100% of the traffic control system, and should be listed on the *Subcontractor List*. Without listing Titan DVBE on their *Certified DVBE Summary Form*, Truesdell would not achieve the DVBE goal as required. By omitting Titan DVBE at the time of bid altogether, Truesdell failed to submit an accurate *Subcontractor List*, and should be deemed nonresponsive.

Conclusion

Truesdell has specified one traffic control subcontractor on their *Certified DVBE Summary* (Titan DVBE), a different traffic control subcontractor on their *Certified Small Business Listing* (Highway Specialty Company), and yet failed to list either on their *Subcontractor List*. It is very doubtful Truesdell is renting a total of \$112,000 in traffic control equipment for this project (\$21,000 via Titan DVBE, \$91,000 via Highway Specialty Company).

Received

Feb 22 2013 08:32am

From:

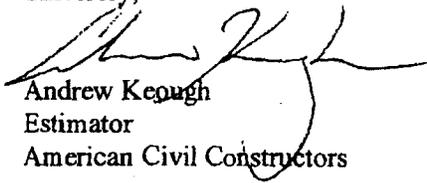
02/22/2013 09:37

#678 P.003/007



ACC respectfully requests that Caltrans reject Truesdell's bid, and award the contract to the next responsible, responsive bidder.

Sincerely,



Andrew Keough
Estimator
American Civil Constructors

3701 Mallard Drive
Benicia, CA 9410

Tel: 707 746 8028
Fax: 707 747 0593
www.accbuilt.com

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

Bidder Name: Trescott Corporation of California, Inc.

The bidder must identify each subcontractor performing work in an amount in excess of 1/2 of 1 percent of the total bid or \$10,000, whichever is greater (Pub Cont Code § 4100 et seq.). Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916) 227-6282 within 24 hours after the bid opening. Failure to provide complete information in columns 1 through 4 within the time specified will result in a nonresponsive bid.

Column 1: Business Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
J. McGoughlin Engineering Co. Rancho Cucamonga, CA	7 26 27	100% 100%	Concrete approach slabs & paving notch extensions
# 3, TRAFFIC CONTROL SYSTEM?			
* Highway Specialty Co. Santa Rosa, CA	2 33 34 35	100% 100% 100% 100%	Construction Area Signs Supply & install highway sign structures
Pacific Coast Markings Phelan, CA	41 42 43 44 45 46 47 48	100% 100% 100% 100% 100% 100% 100% 100%	Pavement Marking & Striping
Vintage Paving Co. Winters, CA	22	100%	Asphalt removal & replacement.
PC & N Construction Byron, CA	9 12 36 38 39 40	100% 100% 100% 100% 100% 100%	Treated wood waste Remove metal beam guard rail Metal Beam guard railing Transition railings End anchor assembly Alternative line terminal system

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-5880 or write Records and Forms Management, 1120 N Street, MS-99, Sacramento, CA 95814.

*** TITAN DVBE NOT LISTED**

ATTACHMENT A
True

From:

02/22/2013 09:38

#678 P.005/007

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

DISTRICT-COUNTY-ROUTE: 04 Santa Clara 82, 85, 87, 101, 152, 237
CONTRACT NO: 04-2E 7104
TOTAL BID: \$1,373,873.
BID OPENING DATE: 1/30/2013
BIDDER'S NAME: Trussell Corporation of California, Inc.
DVBE PRIME CONTRACTOR CERTIFICATION: N/A

**NOT ON
SUBCONTRACTOR
LIST**

Bid Item Number	Description of Work to Be Subcontracted to DVBE or Materials to Be Supplied by DVBE ¹	For Caltrans Only	DVBE (Name, Telephone No., and Certification No.)	\$ Amount
1	Lead Compliance Plan.		Global Environmental (714) 479-1199 #24765	\$785. ⁰⁰
3	Traffic Control System.		Titan (556) 246-7836 #1249460	\$21,300. ⁰⁰
4	Portable Changeable Message Signs		Global Environmental (714) 479-1199 #24765	\$4,200. ⁰⁰
6	Prepare water Pollution Plan		Global Environmental (714) 479-1199 #24765	\$875. ⁰⁰
10	Noise Monitoring System.		Global Environmental (714) 479-1199 #24765	\$1,950. ⁰⁰
11	Public Safety Plan		Global Environmental (714) 479-1199 #24765	\$11,830. ⁰⁰
			Total Claimed Participation	\$41,440. ⁰⁰ 3.02 %

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.

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, of 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 of Bidder
Date: 1/31/2013
(602) 432-1711
(Area Code) Telephone Number
Kent L. Clark, President.
Contact Person (Type or Print)

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ATTACHMENT B

From:

02/22/2013 09:38

#678 P.006/007

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
CERTIFIED SMALL BUSINESS LISTING FOR THE NON-SMALL BUSINESS PREFERENCE
DES-OE-0102.8 (REV 2/2011)

BIDDER NAME Truesdell Corporation California, Inc CONTRACT NO. 04-2E7104

List the description of work, name, telephone number, certification number, and dollar amount of each certified small business who will be employed on this project. Failure to provide this information may be cause for denial of the non-small business subcontractor preference. Attach additional sheets if necessary.

Submit to:

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

**NOT ON
SUBCONTRACTOR
LIST**

Bid Item Number	Description of Work, Service, or Materials	Certified Small Business (Name, Telephone No., and Certification No.)	\$ Amount
1	Lead Compliance Plan Construction Amendments	Global Environmental (714) 474-1149 #24765	\$ 785.00
2		Highway Safety (707) 992-5681 #1559500	\$ 21,295.00
3			
3	Traffic Control	Highway Safety (707) 992-5681 #1559500	\$ 91,000.00
4	Variable Changeable Message Signs	Global Environmental (714) 474-1149 #24765	\$ 4,700.00
6	Preparation of Pollution Control Program	Global Environmental (714) 474-1149 #24765	\$ 875.00
10	Noise Monitoring	Global Environmental (714) 474-1149 #24765	\$ 1,950.00
11	Public Noise Monitoring	Global Environmental (714) 474-1149 #24765	\$ 11,830.00
19	Furnish Bridge Deck Markings	Kwik Bond Polymers (866) 434-1772 #25239	\$ 106,157.00
34	Install Sign Structure	Highway Specialty (707) 992-5681 #1559500	\$ 43,890.00
40	Alternative In-Line Termination System	PCFN Construction (225) 634-4587 #21507	\$ 20,360.00
48	Paintment (Retro Reflective)	Pacific Coastal Markings (760) 860-3400 1735821	\$ 40,990.00

Kent L. Clark, President
Person to Contact (Please Type or Print)

(902) 437-1711
(Area Code) Telephone Number

\$ 343,832.00

Total Claimed Participation

25.04% of Contract

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ATTACHMENT C

From:

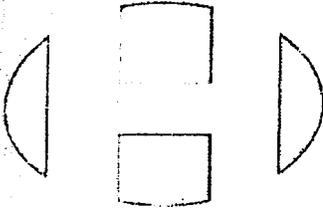
02/22/2013 09:38

#678 P.007/007

From: Dustan Currier Fax: (855) 848-5808

To: 7077470593@rcfax.com Fax: +17077470593

Page 5 of 8 1/30/2013 10:24



Highway Specialty Co.

C31, C81-D42

License Number: 957808

Union Contractor

PO BOX 141 PALO CEDRO, CA 96073 Phone: 530-949-5681 Fax: 855-848-5806

90 VALE ST SANTA ROSA, CA 95409 Phone: 707-992-5681 Fax: 855-848-5806

CALIFORNIA CERTIFIED SMALL BUSINESS # 1559500

Dustan@HighwaySpecialty.com

PROJECT: Treat Bridge Deck With Methacrylate And Replace Approach Slabs.
 CONTRACT: 04-2E7104
 BID DATE: January 30, 2013
 FROM: DUSTAN CURRIER

ITEM NUMBER	ITEM DESCRIPTION	UNIT OF MEASURE	UNIT PRICE
	2 FLAGGERS	8HR DAY/NIGHT	
	EACH ADDITIONAL FLAGGER	8HR DAY/NIGHT	
	FLAG OVERTIME FOR EACH PERSON	HOUR	
	PILOT CAR: 8 HR	DAY/NIGHT	
	LANE CLOSURE: 1 PERSON 8 HR MINIMUM** (INCLUDES 300 CONES, UP TO 2 ARROW BOARDS)	DAY/NIGHT	\$865.00
	LANE CLOSURE: 2 PERSON 8 HR MINIMUM (INCLUDES 300 CONES, UP TO 2 ARROW BOARDS)	DAY/NIGHT	\$1,365.00
	EACH ADDITIONAL LANE CLOSURE PERSON 8 HR (CAN BE USED AS ATTENUATOR DRIVER)	DAY/NIGHT	\$490.00
	ADDITIONAL LANE CLOSURE	EA	\$50.00
	OVERTIME FOR LANE CLOSURE: PER PERSON	HOUR	\$90.00
	RAMP CLOSURE IN LANE CLOSURE, MINOR DETOUR	EA	INCLUDED
	PORTABLE CHANGEABLE MESSAGE BOARD SIGN	DAY	\$200.00
		WEEK	\$600.00
		4 WEEK	\$1,200.00
	TRUCK MOUNTED ATTENUATORS (SUBJECT TO AVAILABILITY)	DAY	\$400.00
		WEEK	\$1,600.00
		4 WEEK	\$3,200.00
	DELIVERY OF EQUIPMENT CHARGE		\$85.00
	SUBSISTENCE (IF SUB. AREA) PER PERSON, PER DAY		

PRICE FOR FLAGGERS DOES NOT INCLUDE LIGHT TOWERS

* All Highway Specialty Co. employees must be provided a half hour lunch off the clock per 8 hour shift, or pay applicable overtime.

** REQUIRES A LABORER TO BE PROVIDED FOR PLACING/PICKING OF TRAFFIC CONTROL DEVICES

** Saturday rates billed @ 1.4 X rate. Sunday billed at 1.8 X rate.

THANK YOU FOR THE OPPORTUNITY TO PROVIDE PRICING FOR YOUR SIGN AND TRAFFIC CONTROL NEEDS.

\$91,000 WOULD NEED TO BE LISTED ON THE SUB LIST.

ATTACHMENT D

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

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

Mar 29 2013 11:26am

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
917077470593	Normal	29:11:25am	1'29"	8	# O K	

STATE OF CALIFORNIA--BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 30th STREET
P. O. BOX 168041
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6300
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March 28, 2013

Facsimile: (707) 747-0593

Jeff Foerste, President
American Civil Constructors West Coast, Inc.
3701 Mallard Drive
Benicia, CA 94510

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Sincerely,


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

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