



August 3, 2015

RGW CONSTRUCTION, INC.**Faxed to: 916/227-6282**

Department of Transportation
Division of Engineering Services
Office Engineer, MS43
1727 30th Street
P.O. Box 168041
Sacramento, CA 95816-8041

Attention: John McMillan, Deputy Division Chief
Earl Seaberg, Chief, Office of Contract Awards & Services

RE: 04-3G7104 – For Construction on State Highway in Alameda County at Various Locations

Bid Opening July 21, 2015

SUBJECT: BID PROTEST

Gentlemen:

Please consider this letter as a protest of the bid submitted by Pacific Infrastructure Construction, LLC (Pacific) for Contract No. 04-3G7104. The bid submitted by Pacific is nonresponsive and must be rejected because they failed to comply with the State Licensing Board, and the Health and Safety requirements for Hazardous Substance Handling and Removal.

The State Licensing Board and California Contract Law Public Code of Conduct Division 3, chapter 9; section 7058.7. (a), states that, "No contractor shall engage in a removal or remedial action, as defined in subdivision (d), unless the qualifier for the license has passed an approved hazardous substance certification examination. Per **California State Licensing board records, Pacific does not possess** a Hazardous Substance Removal Certification to excavate and handle material under bid item (21) Roadway Excavation (Type Z-2) (Aerially Deposited Lead), Item (22) Roadway Excavation (Type Z-3) Aerially Deposited Lead, and Item (23) Roadway Excavation (Type HC). The State Licensing Board for General Engineering are clear that a contractor holding

AN EQUAL OPPORTUNITY EMPLOYER



a Class "A" General Engineering license does not give the contractor latitude to self-perform Hazardous Substance removal and handling without proper Health and Safety training and State Hazardous Substances Removal certification. Pacific demonstrated on bid day that it was their intent to self-perform this work as no subcontractors certified were listed to excavate and handle hazardous substance material. The only subcontractor listed by Pacific with a HAZ-CERT was Brady Tanks, Inc. Brady was only listed for Transportation and Disposal of Roadway Excavation under Bid item 21, 22 and 23. (See exhibit 1)

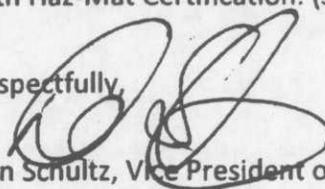
All General Engineering Contractors holding a class "A" license should be aware of hazardous substance removal rules of engagement when not in possession of HAZ-Certification. Also, common knowledge with state licensing board is that when a class "A" Licensed contractor General Engineering Contractor lacking HAZ-MAT certification is bidding on work that requires hazardous substance removal, the bidding GC must supplement and legitimize their bid by utilizing a subcontractor licensed to perform all work associated with hazardous substance removal. Otherwise they have a non-responsive bid. **Pacific did not** list a subcontractor certified to perform excavation and handling under bid items 21, 22, and 23. Pacific is not certified to self-perform any task associated with hazardous substance removal.

Pacific is attempting to engage in performing work that they are not licensed to do so and their action has afforded them a competitive advantage over the other bidders and introduces an unfair advantage and subjectivity into their bid. Such non-responsive bidding activity gives bidders the ability to unknowingly take on risk and put the owner (Caltrans) at risk when contracting with GC's operating outside licensing laws.

It should also be noted that the license number entered at bid time 10044035 is currently held by BACS Consulting Group, Inc, not Pacific Infrastructure Construction, Inc. (See Exhibit 2).

Pacific Infrastructure Construction's bid should be rejected as nonresponsive and the project should be awarded to RGW Construction, Inc., the lowest responsive and responsible bidder with Haz-Mat Certification. (See exhibit 3).

Respectfully,


Dan Schultz, Vice President of Estimating
RGW Construction, Inc.

DS/gp
Encls.

EXHIBIT #1

Contractor's License Detail for License # 1004305

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.

Business Information
 PACIFIC INFRASTRUCTURE CONSTRUCTION LLC
 6559 GOYA WAY
 EL DORADO HILLS, CA 95762
 Business Phone Number: (925) 577-8820

NO HAZ-MAT CERT

Entity Ltd Liability
 Issue Date 06/09/2015
 Expire Date 06/30/2017

License Status

This license is current and active.

All information below should be reviewed.

Classifications

A - GENERAL ENGINEERING CONTRACTOR

Bonding Information

Contractor's Bond

This license filed a Contractor's Bond with WESTERN SURETY COMPANY.

Bond Number: 929612883
Bond Amount: \$12,500
Effective Date: 05/27/2015

LLC EMPLOYEE/WORKER BOND

This license filed a LLC Employee/Worker Bond with WESTERN SURETY COMPANY.

Bond Number: 929612884
Bond Amount: \$100,000
Effective Date: 05/27/2015

Bond of Qualifying Individual

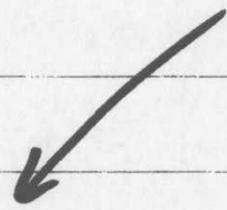
The Responsible Managing Officer (RMO) ZOELLNER JAY PATRICK certified that he/she owns 10 percent or more of the voting stock/equity of the corporation. A bond of qualifying individual is not required.

Effective Date: 06/09/2015

Workers' Compensation

This license has workers compensation insurance with the TRAVELERS INDEMNITY COMPANY OF CONNECTICUT

Policy Number: DTJUB0G76390
Effective Date: 06/08/2015
Expire Date: 06/08/2016



STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
 Contract No.: 04-3G7104 Project ID: 0412000156

EXHIBIT #1

Bidder Name: Pacific Infrastructure Construction, LLC Bidder ID: VC1500004960
 BID ITEM LIST

Item No.	Item Code	Item Description	Estimated Quantity Unit of Measure	Unit Price	Item Total
13	141001	HEALTH AND SAFETY PLAN	LUMP SUM LS	LUMP SUM	2,500.00
14	150772	REMOVE CURB	310.0 LF	25.00	7,750.00
15	150820	REMOVE INLET	1.0 EA	500.00	500.00
16	152390	RELOCATE ROADSIDE SIGN	1.0 EA	500.00	500.00
17	152430	ADJUST INLET	2.0 EA	2,500.00	5,000.00
18	152438	ADJUST FRAME AND COVER TO GRADE	1.0 EA	2,500.00	2,500.00
19	152469	ADJUST UTILITY COVER TO GRADE	21.0 EA	500.00	10,500.00
20	160102	CLEARING AND GRUBBING (LS)	LUMP SUM LS	LUMP SUM	10,000.00
21	190105	ROADWAY EXCAVATION (TYPE Z-2) (AERIALY DEPOSITED LEAD)	610.0 CY	320.00	195,200.00
22	190106	ROADWAY EXCAVATION (TYPE Z-3) (AERIALY DEPOSITED LEAD)	120.0 CY	220.00	26,400.00
23	029223	ROADWAY EXCAVATION (TYPE HC)	910.0 CY	55.00	50,050.00

EXHIBIT #1

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
Contract No.: 04-3G7104 Project ID: 0412000156
Bidder Name: Pacific Infrastructure Construction, LLC Bidder ID: VC1500004960
DES-OE-0102.2B (REV 5/2014)

Bidding Firm: Pacific Infrastructure Construction, LLC

List this sub? Yes

7) Business Name CMC Traffic Control Specialists dba CMC Construction
Location City San Francisco State CA
California Contractor License Number 792059
CA Department of Industrial Relations' Registration Number 1000006503
Portion of Work Subcontracted:

Item #	Description
3	100 Traffic Control System
4	100 Portable Changeable Message Sign

List this sub? Yes

8) Business Name Bradley Tanks, Inc.
Location City Danville State CA
California Contractor License Number 964166
CA Department of Industrial Relations' Registration Number 1000011156
Portion of Work Subcontracted:

Item #	Description
21	45 Transportation and disposal of Roadway Excavation (Type Z-2)
22	93 Transportation and disposal of Roadway Excavation (Type Z-3)
23	73 Transportation and disposal of Roadway Excavation (Type HC)

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EXHIBIT #1

DBE COMMITMENT - DETAILED BREAKDOWN

Contract No. 04-3G7104
 Bid Amount \$964,680.00
 Bid Opening Date 7/21/2015
 Bidder Name Pacific Infrastructure Construction, LLC
 DBE Goal 25%

Bid Item No.	Item of Work and Description of Services to be Sub-contracted or Materials to be Provided	Work Category Codes	Name of DBE(s)	Amount
21, 22, 23	Transportation and Disposal of Z-2, Z-3, and HC Material	C9632 C9633	Bradley Tanks, Inc.	\$ 148,840.00
1, 13	Prepare the Lead Compliance Plan and the Health and Safety Plan	C8713 C8851	Adanta, Inc.	\$ 3,775.00
8	Prepare Water Pollution Control Plan	C8852	Tully Consulting Group	\$ 625.00
3, 4	Traffic Control System, Portable Changeable Message Sign	C1201 C31	CMC Traffic Control Specialists dba CMC Construction	\$ 35,000.00
26, 28	Haul Class II AB and HMA	C9774	All City Trucking	\$ 22,000.00
2, 6, 16	Construction Area Signs, Temp Crash Cushion Module Relocate Roadside Sign	C1200	Schotka Construction Inc.	\$ 37,460.00

Grand Total \$ 247,700.00
 Total DBE Percentage 25.68%

7/21/15 08:59AM PDT Bradley Tanks Inc. -> Jay/Pacific Infrastructure 7074493641 Pg 2/

EXHIBIT #1



Bradley Tanks, Inc
402 Hartz Avenue, Bldg C, Davisville, CA 94526
3272 Grey Hawk Ct., Carlsbad, CA 92010
925-229-2900-phone
DBS/SB/WBS/MBE

Proposal

764166

949 233-2789

July 20, 2015

Pacific Infrastructure Construction LLC
871 Cotting Court, Suite A
Vacaville, CA 95688

Project: 04-3C7104
In Alameda County at Various Locations

Description of Equipment/Service	Rates
<i>Description of Equipment/Service- Transportation & disposal of 2-2 & 2-3 ADL soil. Bid item #21 is approximately 610 cu. yds (approx. 795 tons) and Bid Item #22 is approximately 120 cubic yards. (approx. 160 tons) of soil will be transported & disposed of at a Caltrans approved Class 1 facility in California. Additional analytical data may be required per landfill permits. Costs for any additional sampling and data are NOT included. **Assumes soil qualifies for BOE exemption. Exemption letter to be provided by Caltrans. If no letter is provided, BOE taxes will be incurred. Also, provide a cost for transport & disposal of TPH contaminated soil Bid Item #23. Approximately 910 cubic yards (approx. 1200 tons) of TPH material to be hauled off site. Material will be transported to a Class II landfill in California for disposal. Additional analytical data may be required per landfill permits. Costs for any additional sampling and data are NOT included.</i>	<p>**Item #21- \$106.85 per ton for T&D in California at a Class I Landfill</p> <p>**Item #22-\$152.65 per ton for T&D at a Class I Landfill</p> <p>(Item #23)\$29.85 per ton for T&D at a Class II landfill Based on 1 truck making 4 trips per day</p>
**If not exempt BOE taxes \$5.75 per ton for 2-2 soil	
**If not exempt BOE taxes \$53.25 per ton for 2-3 soil	

144/cyd
45%
225/cyd
93%
40/cyd
73%

Pricing assumptions:

- Rates do not include payment and performance bonds, prevailing wages or certified payroll. No retention on transportation and disposal line items will apply.
- Certified payroll is an additional fee of \$400.00 per payroll report.
- Rate includes waste profiling and scheduling with landfill and pre-printed manifests.
- Assumes the waste meets landfill permit requirements. Analytical to be provided by others.
- Loads must have less than 5% of debris or vegetation per load to be used as alternative daily cover.
- Soil must be greater than 50% solids and meet paint filter test.
- Soil must contain less than 50ppm TPH as gasoline and/or VOCs.
- Trucking demurrage due to on-site equipment failure or on-site access issues applies 30 minutes after the scheduled dispatch time or 30 minutes after the wait begins. Also, if BTI is only providing transportation service, trucking demurrage will apply for standby time incurred at the landfills/discharge location. Demurrage is \$95.00 per hour.
- Certified landfill scales will be used for final weights and billing.
- Fees included in rates: Profile Fee, Environmental Fee, Fuel Recovery Fee, 2015 BOE remediation land disposal fee, Kern County Fee (Buttunwillow only), Road Mitigation Fee (Forward only), AB939 Compliance Fee, as known of at the date of this proposal. Bridge tolls, if incurred, are an additional pass through fee.
- Only the taxes and fees stated in this proposal are included. Any additional fees or taxes assessed on generators or transporters of waste will be billed to customer when billed or charged to BTI.

7/21/15 08:59AM PDT Bradley Tanks Inc. -> Jay/Pacific Infrastructure 7074493841 Pg 3/

EXHIBIT #1
07-27-15 10:21:49 AM

- Others are responsible for the maintenance and upkeep of the haul roads and access roads, which includes but is not limited to dust control, surrounding street cleanliness, grading and purchase of rock if necessary. Proposal does not include tarp racks, truck decon or traffic control personnel or signage.
- Truck availability is based on industry demand. The number of trucks available at the time of the project cannot be guaranteed and every effort will be made to accommodate the project needs.
- Once the project paperwork and waste approval are confirmed complete, BTI requires a minimum advance notice of 5 day for scheduling trucks at the site.
- Others are responsible for all truck loading. ←
- Assumes consecutive days of off haul.
- Assumes day work
- 23 ton per load minimum on all loads.
- No loads will be billed at \$750.00 per load.
- Assumes onsite hours of operation are between 7:00 am-4:00 pm.
- Rates do not include RCRA hazardous treatment waste. Rates do not cover TSCA regulated-PCB contaminated waste
- Hazardous loads must be off-site by 11:00AM so that trucks are able to dump same day.
- Transportation based on current diesel rate of \$3.96 per gallon.
- Project Manager/Truck Boss for each day of off-haul: Upon request, BTI will have a 40hr Hazwoper trained Project Manager on-site to manage on-site trucks, including equipment inspections, driving rules and approved truck routes and manifest loads. Rate includes pickup truck and wages for the day. Daily rate of \$540.00 per day and subsistence, if needed, of \$125.00 per day.
- Quote is good for 30 days.

Client Signature: _____ PO: _____

Thank you for the opportunity.

For further details or questions, please contact Scott Fletcher

Phone 949-233-2789 Fax 949-419-1203 E-mail: sfletcher@btienvironmental.com

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 04-3G7104 Project ID: 0412000156

Bidder Name: Pacific Infrastructure Construction, LLC Bidder ID: VC1500004960

BID TO THE DEPARTMENT OF TRANSPORTATION

DES-OE-0102.1

EXHIBIT #2

Name of Bidder Pacific Infrastructure Construction, LLC

Business Street Address 871 Cotting Court, Suite A

(Include even if P.O. Box is used)

Business P.O. Box

City, State, Zip Vacaville, CA, 95688

Telephone No: AREA CODE 707-449-3604

Fax No: AREA CODE 707-449-3641

Contractor License No. 1004035

California Department of Industrial Relations' Registration No. 1000023461

Checksum F73C4AC3

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 nonplant establishment work within the number of working days bid for nonplant establishment work.

2. Bidder has and acknowledges the following addenda: 0
3. Bidder submits this bid with one of the following forms of bidder's security equal to at least 10 percent of the bid: Bidder's Bond
4. 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:
 - 4.1 Criminal prosecution
 - 4.2 Rejection of the bid
 - 4.3 Rescission of the award
 - 4.4 Termination of the Contract

PRINTED NAME: Gabe Farncroft AND
TITLE OF PERSON SIGNING: Managing Partner

BY (Authorized signature)

DATE SIGNED(Do not type)

EXHIBIT #2

Contractor's License Detail for License # 1004035

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Per B&P 7071.17, only construction related civil judgments reported to the CSLB are disclosed.
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Due to workload, there may be relevant information that has not yet been entered onto the Board's license database.

Business Information

B A C S CONSULTING GROUP, INC
dba BAY AREA COMPUTER SOLUTIONS

1931 OLD MIDDLEFIELD WAY STE B
MOUNTAIN VIEW, CA 94043
Business Phone Number: (650) 887-4601

Entity Corporation
Issue Date 05/28/2015
Expire Date 05/31/2017

License Status

This license is current and active.

All information below should be reviewed.

Classifications

C-7 - LOW VOLTAGE SYSTEMS

Bonding Information

Contractor's Bond

This license filed a Contractor's Bond with SURETEC INDEMNITY COMPANY.
Bond Number: 222589
Bond Amount: \$12,500
Effective Date: 05/19/2015

Bond of Qualifying Individual

This license filed Bond of Qualifying Individual number 222588 for PALMER ROBERT FREDERICK in the amount of \$12,500 with SURETEC INDEMNITY COMPANY.
Effective Date: 05/19/2015

Workers' Compensation

This license has workers compensation insurance with the HARTFORD ACCIDENT & INDEMNITY COMPANY
Policy Number: 57WECGF5161
Effective Date: 06/09/2015
Expire Date: 06/09/2016
Workers' Compensation History

EXHIBIT #3

Contractor's License Detail for License # 591940

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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.

Business Information

RGW CONSTRUCTION INC
550 GREENVILLE ROAD
LIVERMORE, CA 94550
Business Phone Number: (925) 606-2400

Entity Corporation
Issue Date 04/11/1990
Expire Date **04/30/2016**

License Status

This license is current and active.

All information below should be reviewed.

Classifications

- A - GENERAL ENGINEERING CONTRACTOR
- B - GENERAL BUILDING CONTRACTOR

Certifications

HAZ - HAZARDOUS SUBSTANCES REMOVAL

Bonding Information

Contractor's Bond

This license filed a Contractor's Bond with FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

Bond Number: 08448296

Bond Amount: \$12,500

Effective Date: 04/02/2007

Contractor's Bond History

Bond of Qualifying Individual

The Responsible Managing Officer (RMO) LOWRY DANE ORTH 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: 03/09/2007

The Responsible Managing Officer (RMO) STEWART WILLIAM SCOTT 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: 03/22/2007