



August 14, 2015

VIA FASCIMILE 916-227-6282

Mr. John McMillan  
Deputy Division Chief  
California Department of Transportation  
Office Engineer  
1727 30<sup>th</sup> Street Bidder Exchange MS 43  
Sacramento CA 95816

Re: 04-4A4804 Construction on State Highway in Alameda and Oakland at Posey Tube and Webster Street Tube

Subject: Response to Caltrans letter Dated August 13, 2015

Dear Mr. McMillan,

We are in receipt of the Department of Transportation (Caltrans) letter dated August 13, 2015 regarding the above referenced Contract. Caltrans asserts that "Taber's bid is nonresponsive because the Disadvantaged Business Enterprise (DBE) form submitted is inconsistent with the Subcontractor List form in violation of the bidding instructions." Taber emphatically denies Caltrans claim and asserts that its Bid is in fact responsive.

Taber included Schotka Construction (Schotka) on its DBE Commitment Form for Bid Item No. 4,19,20,29,30, and 32 for a grand total of \$15,080.00.

Section 2-1.10 Subcontractor List of the Revised Standard Specifications Dated 05-15-15 states:

*"On the Subcontractor List form, list each subcontractor to perform 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.)"*(emphasis added).

Public Contract Code §4104(a) (1) states:

*"The name, the location of the place of business, and the California contractor license number of each subcontractor who will perform work or labor or render service to the prime contractor in or about the construction of the work or improvement, or a subcontractor licensed by the State of California who, under subcontract to the prime contractor, specially fabricates and installs a portion of the work or improvement according to detailed drawings contained in the plans and*



*specifications, in an amount in excess of one-half of 1 percent of the prime contractor's total bid or, in the case of bids or offers for the construction of streets or highways, including bridges, in excess of one-half of 1 percent of the prime contractor's total bid or ten thousand dollars (\$10,000), whichever is greater." (emphasis added)*

In this case Schotka's grand total is \$15,080.00; which is well below the \$46,886.00 Subcontractor listing threshold for Taber's bid of \$9,377,259.00 ( $\$9,377,259.00 \times 0.5\% = \$46,886.00$ ). See attached copy of Schotka's proposal.

Taber was not required to include Schotka in its Subcontractor's List form as Caltrans alleges; both the Revised Standard Specifications and Public Contract Code §4104(a) (1) support Taber's Subcontractor List form as submitted.

Taber respectfully requests that Caltrans reverse its determination that Taber's Bid is nonresponsive and deem its Bid responsive. Taber wishes to extend its bid while Caltrans is resolving this nonresponsive finding.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bret Taber", is written over the typed name.

Bret Taber  
Taber Construction Inc.

Attachment: Schotka Construction, Inc. 7/30/15 proposal

Thursday, July 30, 2015 06:49 AM

SCHOTKA CONSTRUCTION INC 7072656856

p.01

# **Schotka Construction, Inc.**

Project: Replace G/R, Restore Portal Bldg, Alameda County 04-4A4804  
Bid date: July 30, 2015

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>EST. QUANT</u>	<u>UNIT PRICE</u>	<u>TOTAL</u>
4	Construction Area Signs	1 LS	\$13,500.00	\$13,500.00
19	Remove Roadside Sign	2 EA	\$100.00	\$ 200.00
20	Relocate Roadside Sign	1 EA	\$200.00	\$ 200.00
29	Furnish SS Sign (.063)unfr	14 SQFT	\$20.00	\$ 280.00
30	Roadside Sign one post	2 EA	\$300.00	\$ 600.00
32	Delineator Class 1	6 EA	\$50.00	\$ 300.00

**Exclusions/ Conditions:**

1. Price does not include bond.
2. Require 2 weeks notice prior to mobilization.
3. Items 19, 20 & 30 must be taken together.
4. Item 4 includes  
covering signs upon installation only  
signs indicated on CS Plans  
No CMS boards, No daily traffic control
5. Excludes: Traffic control, overhead & mast arm signs  
Handling/testing/disposal of contaminated or hazardous materials  
Health & Safety Plan, Permits, fees, inspections, testing,  
survey, offhaul spoils, contaminated materials  
Permanent or temporary striping, Changeable Message Signs  
Temporary placement of reset or permanent signs
6. Retention to be held at same rate of prime contractor.
7. Three addenda acknowledged.
8. This proposal is good for thirty (30) days and is to be included in any subcontract.
9. Our license number is 723309 exp.8/31/2016, DIR #1000002520.
10. We are a union contractor.

We are a certified **DBE & UDBE** (#33099) & **SBE** (DGS # 31334)  
Contact person: Diane Schotka Cell : 707-396-2736

**5555 Napa-Vallejo Highway, American Canyon, CA 94503**  
Phone 707-265-6977 Fax 707-265-6856