

**DEPARTMENT OF TRANSPORTATION**  
DIVISION OF ENGINEERING SERVICES  
OFFICE ENGINEER  
1727 30<sup>th</sup> STREET, MS 43  
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 9, 2014

Facsimile: (916) 334-0562

Edmundo A. Puchi, Treasurer  
M.C.M. Construction, Inc.  
P.O. Box 620  
North Highlands, CA 95660

04-4A5104  
04-SF-280-R5.2/R6.0  
B.O. 12/04/2013

Dear Mr. Puchi:

The Department of Transportation (Caltrans) received a bid submitted by M.C.M. Construction, Inc. (MCM) for Contract No. 04-4A5104 on December 4, 2013. By this letter Caltrans notifies MCM that its bid is nonresponsive because of an inconsistent Disadvantaged Business Enterprise (DBE) Commitment form and Subcontractor List form.

The Caltrans Bidder-DBE-Commitment form states in part, "...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."

On the DBE Commitment Form submitted by MCM, CMC Traffic Control Specialists (CMC) was listed to perform bid item 5, Lane Closures. However, MCM failed to list CMC on the Subcontractor List form submitted with its bid. The inclusion of CMC and bid item 5 on the DBE Commitment Form changes the scope of work to be performed by the subcontractor.

Based on the above, Caltrans will proceed to award the contract to the lowest responsible bidder, provided that all requirements have been met.

Your attention is directed to Section 3-1.04 of 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 Mulissa Smith, Contract Awards Branch Chief, at (916) 227-6228.

Sincerely,

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

Attachment

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: 04-4A5104  
 BID AMOUNT: \$ 4,904,923.00  
 BID OPENING DATE: 12/4/2013  
 BIDDER'S NAME: M.C.M. CONSTRUCTION, INC.  
 DBE GOAL FROM CONTRACT, %: 9%  
 DBE PRIME CONTRACTOR CERTIFICATION:

BID ITEM NO	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED <sup>2</sup>	FOR 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 <sup>3</sup>
5	LANE CLOSURES		CMC TRAFFIC CONTROL SPECIALIST #33473 3450 THIRD STREET, UNIT 36 SAN FRANCISCO, CA 94124	\$26,100.00

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.

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.
2. If 100% of item is not to be performed or furnished by DBE, describe exact portion of item to be performed or furnished.
3. See section 2-1.12 of the specifications to determine the credit allowed for DBE firms.

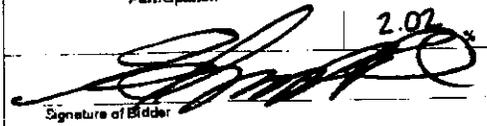
Submit to

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

Total Claimed Participation

\$99,054.00

2.02%



Signature of Bidder

12/6/2013

(916) 334-1221

Date

(Area Code) Tel. No

RICHARD MCCALL, ESTIMATOR

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-49, Sacramento, CA 95814.

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
**SUBCONTRACTOR LIST**  
 DES-DE-8102.2 (REV 3/2011)

Bidder Name: **M.C.M. Construction, 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 non-responsive 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
Oliveira Fence, Inc. Santa Clara, CA	21, 36, 37	100%	Fence and Gate
CMC Rebar Tracy, CA	33 38	100% 10%	Rebar
Statewide Traffic Safety and Signs, Inc. Fairfield, CA	4, 8	100%	Construction Area Signs & Crash Cushion Module

**AOA Notice**

For individuals with sensory disabilities, this document is available in alternate format. For information call: (916) 664-0410 or TDD (916) 664-3890 or write Records and Forms Management, 1120 N Street, MS-68, Sacramento, CA 95814.

Contract No. 01-4A5104

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

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

Jan 9 2014 05:04pm

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
93340562	Normal	09:05:04pm	0'28"	3	# 0 K	

STATE OF CALIFORNIA—CALIFORNIA TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

**DEPARTMENT OF TRANSPORTATION**  
DIVISION OF ENGINEERING SERVICES  
OFFICE ENGINEER  
1727 30<sup>th</sup> STREET, MS 43  
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 9, 2014

Facsimile: (916) 334-0562

Edmundo A. Puchi, Treasurer  
M.C.M. Construction, Inc.  
P.O. Box 620  
North Highlands, CA 95660

04-4A5104  
04-SF-280-R5.2/R6.0  
B.O. 12/04/2013

Dear Mr. Puchi:

The Department of Transportation (Caltrans) received a bid submitted by M.C.M. Construction, Inc. (MCM) for Contract No. 04-4A5104 on December 4, 2013. By this letter Caltrans notifies MCM that its bid is nonresponsive because of an inconsistent Disadvantaged Business Enterprise (DBE) Commitment form and Subcontractor List form.

The Caltrans Bidder-DBE-Commitment form states in part, "...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."

On the DBE Commitment Form submitted by MCM, CMC Traffic Control Specialists (CMC) was listed to perform bid item 5, Lane Closures. However, MCM failed to list CMC on the Subcontractor List form submitted with its bid. The inclusion of CMC and bid item 5 on the DBE Commitment Form changes the scope of work to be performed by the subcontractor.

Based on the above, Caltrans will proceed to award the contract to the lowest responsible bidder, provided that all requirements have been met.

Your attention is directed to Section 3-1.04 of 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 Mulissa Smith, Contract Awards Branch Chief, at (916) 227-6228.

Sincerely,

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

Attachment