

BAY CITIES PAVING & GRADING INC.

Bue: 1450 Civic Court, Bldg. B Suite #400, Concord, CA 94520
(925) 887-8866
Fax (925) 887-2122

Mall: Post Office Box 6227, Concord, CA 94524-6227

May 1, 2014

FAXED AND MAILED

Department of Transportation, MS 43
Attn: John McMillan, Deputy Division Chief
1727 30th Street
Sacramento, CA 95816

Project: 04-4H4904
Bid Opening: 04/22/2014
Re: Protest of MCK Services, Inc.'s Bid

Dear Mr. McMillan,

Bay Cities protests MCK's bid for failing to meet the DVBE goal. Per Special Provision Section 2-1.15B, bidders are required to meet the goal listed in the Notice to Bidders which is 5%. On its Subcontractor List (Attachment A), MCK listed Safety Striping Services for 100% of Items 14 through 21. In its Certified DVBE Summary, MCK shows that Safety Striping will perform Items 14 through 21 for an amount of \$35,456 (Attachment B). To confirm the DVBE participation, MCK attached a copy of Safety Striping's quote of April 22, 2014 (Page 2 of Attachment B). The quote shows a total value of \$35,456 but this value is attained only by including Safety Striping's quote of \$8,250 for Item 3, Traffic Control (Partial). MCK's Subcontractor List, however, did not list Safety Services for this work.

Per the DVBE Summary Sheet, DVBE subcontractors "and their items of work must be consistent with the names and items of work in the Subcontractor List." By including \$8,250 worth of Item No. 3 work in its DVBE Summary Sheet, MCK altered the scope of work which Safety Striping would perform and made its bid nonresponsive. Also, the \$8,250 worth of Safety Striping's Item No. 3 work (Traffic Control) cannot be used to calculate MCK's DVBE goal because MCK failed to list Safety Striping for Item No. 3 work on either the Subcontractor or DVBE lists. Once the \$8,250 of Striping Service's Traffic Control Work is removed from the Certified DVBE Summary, then MCK has attained \$33,206 worth of DVBE participation or 4.47% DVBE participation. Since the Project goal is 5% DVBE participation, MCK failed to meet the goal and its bid must be found to be nonresponsive.

Sincerely,



Marlo Manqueros
Vice-President

cc: File

Attachment A

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
DES-06-0102.2 (REV. 3/2011)

Bidder Name: MCK Services 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.

→
No
Item
3
Traffic
Control
Work
listed

Column 1: Business Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
LIR Granite Bay, CA	22, 23	100%	electrical, loops
Safety Striping Service Goshen, CA	14, 15, 16, 17, 18, 19, 20, 21	100%	striping and markers
Schotka Construction American Canyon, CA.	2	100%	construction area signs
Cal Vet Services Santa Clara, CA	4	100%	PLMS
KRC Safety Visalia, CA	3	39%	<u>traffic control (partial)</u>

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 854-6410 or TDD (916) 854-3899 or write Richard and Ferns Management, 1120 N. Street, MS-89, Sacramento, CA 95814

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

DISTRICT-COUNTY-ROUTE: 04, Ala. 24
CONTRACT NO: 04-4H4904
TOTAL BID: \$741,721.00
BID OPENING DATE: April 22, 2014
BIDDER'S NAME: MCK Services Inc.
DVBE-PRIME-CONTRACTOR-CERTIFICATION: N/A

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
4	Portable changeable message signs		Cal-Net Services (400) 499-0069 #17645	\$16,000.00
14, 15, 16, 17, 18, 19, 20, 21	traffic striping, markers		Safety Striping SACS (559) 651-1022 #14354	\$35,456.00

No Item 3 Traffic Control Work Listed

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.

Total Claimed Participation \$41,456.00 5.6%

- 1. DVBE prime contractors must enter their DVBE reference number or their DBA name as listed with the Department of General Services (DVBE prime contractors are certified with 100 percent DVBE participation and need not complete this above table)
- 2. If 100% of an item is not performed or supplied by the DVBEs, describe it - exactly (and including the planned location of work) to be performed or done 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: [Signature] Date: 4-22-14
(925) 957-9200 (Area Code) Telephone Number
NANCY JACKSON (Type of Print)

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04-22-14 09:21 FROM- Safety Striping Svc +559-651-1118

T-048 P0001/0002 F-600

Attachment B, Page 2 of 2



SAFETY STRIPING SERVICE, INC.

PO Box 1020
8888 Avenue 306
Goshen, CA 93227
TEL: (559) 861-1022
FAX: (559) 861-1118
Contractors License #308869



Signatory Contractors, Laborer's International, Northern & Southern California

SUBCONTRACTOR QUOTATION

PROJECT: 94-4H3904 Cold Plane AC Pavement & Place HMA
Fremont

DATE: April 22, 2014

QUOTE#: 13-337

Item #	Description	Unit	Est Qty	Unit \$	Total \$
3	Traffic Control System (Partial)*	LS	1	\$8,250.00	\$8,250.00
14	4" Thermoplastic Traffic Stripe	LF	6,650	\$0.600	\$3,990.00
15	8" Thermoplastic Traffic Stripe	LF	4,720	\$0.700	\$3,304.00
16	8" Thermoplastic Traffic Stripe	LF	2,950	\$1.000	\$2,950.00
17	8" Thermoplastic Traffic Stripe (Broken 8-4)	LF	1,080	\$0.800	\$864.00
18	Thermoplastic Pavement Marking	SF	1,650	\$4.000	\$6,600.00
19	4" Thermoplastic Traffic Stripe (Broken 14-10)	LF	9,280	\$0.400	\$3,712.00
20	Pavement Marker (Non-Reflective)	EA	1,250	\$3.700	\$4,625.00
21	Pavement Marker (Retroreflective)	EA	410	\$5.000	\$2,050.00

* Partial Item contains our scope of work only

Handwritten note: \$27,201 with arrows pointing to the total column of the table.

Safety Striping Service is a certified California DVBE / SBE (#14354)

Yes Yes

SEE PAGE 2 FOR CONDITIONS

TOTAL \$36,456.00

Includes \$ 8,250.00 of Item # 3, Traffic Control Work

facsimile

TRANSMITTAL

to: John McMillan/ Deputy Division Chief, Caltrans
fax #: (916) 227-6282
re: CDOT Contract 04-4H4904, Protest of MCK Bid, Bid Date: 04/22/14
date: May 1, 2014
pages: 5, including cover sheet.

CONFIDENTIALITY NOTICE

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From the desk of...

Marlo Manqueros
Vice-President
Bay Cities Paving & Grading, Inc.
P.O. Box 6227
Concord, CA 94524-6227

(925) 446-6001
Fax: (925) 687-2122