



CONDON - JOHNSON
& ASSOCIATES, INC.
 CONTRACTORS AND ENGINEERS

Sent via fax 916-227-6282, email www.dot.ca.gov/hq/esc/oe, & US Certified Mail

John C. McMillan
 Deputy Division Chief
 Department of Transportation
 1727 30th Street
 Sacramento, CA 95816
 RE: Contract # 04-4S6204

Dear Mr. McMillan,

Condon-Johnson & Associates, Inc. is in receipt of your letter dated March 17, 2014 which notifies Condon-Johnson that its bid is nonresponsive. The reason provided for the bid being deemed nonresponsive is based on non-compliance with a requirement of the DBE commitment form which states, "Names of the first tier DBE subcontractors and their respective item(s) of work listed above must consistent, where applicable, with the names and items of work in the Subcontractor List". We do not believe we have violated the requirement of the DBE Commitment Form because while ABSL is a DBE they did not bid the work as a Subcontractor. Per the requirement quoted, the DBE form must be consistent with the Subcontractor list "where applicable" (ie the DBE must be a Subcontractor).

ABSL was not listed on the Subcontractor Listing form because ABSL bid the project on an operated equipment rental basis. They did not bid the project by Bid Item, as a Lump Sum or per plans and specifications. Attached, please find ABSL quotation which clearly demonstrates they bid the project with a menu of operated equipment rental rates.

Caltrans also considers equipment rental with or without an operator as not being a subcontractor. This is indicated in the Standard Specifications Section 5-1.13 "Subcontracting" where Caltrans states "perform work equaling at least 30% of the value of the original total bid with your employees and with equipment you own or rent, with or without operators".

In addition, Caltrans has awarded work to a General Contractor in the past which was bid exactly the way Condon-Johnson listed the work on this bid. On Contract Number: 04-3E6304 bid 4/03/2013 RGW listed ABSL on the DBE commitment form but failed to list them on the Subcontractor List and was subsequently awarded the work.

Based on the above we request that the nonresponsive finding be withdrawn.

GENERAL ENGINEERING • SHORING • CAISSONS • GROUND IMPROVEMENT

480 ROLANDWAY
 OAKLAND, CA 94621
 ESTIMATING FAX: (510) 568-8669

P.O. BOX 12368
 OAKLAND, CA
 TEL: (510) 636-2100
 FAX: (510) 568-8318

3125 E. Guest Rd.
 Ontario, CA 91764
 TEL: (909) 390-0268
 FAX: (909) 605-7629

9012 S. 208th ST.
 KENT, WA 98031
 TEL: (425) 988-2150

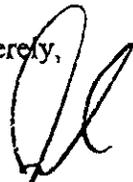
9885 VIA EXCELENCIA, SUITE 106
 SAN DIEGO, CA 92126
 TEL: (619) 530-9165
 FAX: (619) 530-9171

Condon-Johnson & Associates, Inc.
Caltrans Contract 04-4S6204

Page 2 -

Per Section 3-1.04 of the Standard Specifications, we request our bid be extended while we resolve this issue. We will forward our request to the Office Engineer as required.

Sincerely,



Gerard J. Condon
President
Condon - Johnson & Associates, Inc.

Enclosure: ABSL Construction Bid Quotation AC Grinding
Contract 04-3E6304 Award Search Results

ABSL Construction

29393 Pacific Street, Hayward, CA 94544
TE: (510) 727-0900 Fax: (510) 727-0912

Contractors License A 621781
SMBE & DBE Certification CT-005270

**Bid Quotation
AC Grinding**

Project Name: CA/DOT Construct Soldier Pile Tie-Back Wall and Widen Rdwy
Project Number: 04-4S6204
Bid Date: 03/04/2014
Location: Fort Ross, Sonoma County, CA

BID

Daily Minimum Charge \$2850.00

This price is for a 48" inch cold planer machine, *Wirtgen W 1200 F*. Up to 10 inches depth. \$100.00 additional for night work. \$450.00 per hour overtime. \$400.00 additional for Saturday work. \$800.00 additional for Sunday work.

Daily Minimum Charge \$3800.00 (up to 6 hours of work)

Daily Minimum Charge \$4300.00 (up to 8 hours of work)

This price is for a 80" inch cold planer machine, *Wirtgen W 2000*. Up to 12 inches depth. \$200.00 additional for night work. \$500.00 per hour overtime. \$500.00 additional for Saturday work. \$1000.00 additional for Sunday work.

Daily Minimum Charge \$4100.00 (up to 6 hours of work)

Daily Minimum Charge \$4600.00 (up to 8 hours of work)

This price is for a high horsepower 80" inch cold planer machine, *Wirtgen W 210*. Up to 12 inches depth. \$200.00 additional for night work. \$550.00 per hour overtime. \$500.00 additional for Saturday work. \$1000.00 additional for Sunday work.

Mobilization \$ 100.00 (each way)

85 loads, End Dump, 8 hours

2 shifts of grinding

ABSL Construction

29393 Pacific Street, Hayward, CA 94544
TE: (510) 727-0900 Fax: (510) 727-0912

Contractors License A 621761
MBE & DBE Certification CT-005270

Portland cement concrete grinding is excluded from this quotation unless specifically quoted.

Removal of Asphalt Concrete over gutter damages can't be guaranteed by ABSL.

ABSL Construction will cold plane as close as possible to existing manholes, water valves, and other obstructions in cutting plane. Handwork and placing temporary asphalt tapers around these objects or at pavement edge for safety requirements are excluded.

Contractor to post streets with "No Parking" signs prior to subcontractor's phase of work, provide water or water meter and provide traffic control during cold planing operation.

All areas to be ground shall be clearly marked by the general or the job inspector.

A minimum of two weeks notice is requested prior to move in.

Anything not specifically included in this price should be considered excluded.

ABSL Construction does not accept backcharges due to machine breakdown during operation above the machine's daily rental fee.

Back charges will only be based on the time the machine is broken and will reflect the cost of the equipment for that time. All others costs due to the equipment breakdown will not be charged to ABSL Construction.

All teeth over one complete set will be charge to the contractor.

ABSL does not accept force account rates or retention.

This quotation will be part of our contract or purchase order agreement and is valid till a new change of the rates.

If you have any questions regarding the above quote please call me at (510) 727-0900 or fax at (510) 727-0912.

Sincerely,

Daryl Vorne

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 30th STREET
P. O. BOX 168041
SACRAMENTO, CA 95816-3041
PHONE (916) 227-6299
FAX (916) 227-6282
www.dot.ca.gov/hq/esc/oe



*Flex your power!
Be energy efficient!*

March 17, 2014

Facsimile: (510) 568-9316

Gerard J. Condon, President
Condon-Johnson & Associates, Inc.
P. O. Box 12368
Oakland, CA 94604

04-4S6204
04-Son-1-34.3/34.7
B.O. 3/4/14

Dear Mr. Condon:

The Department of Transportation (Caltrans) received a bid from Condon-Johnson & Associates (Condon-Johnson) for contract 04-4S6204 on March 4, 2014. By this letter, Caltrans notifies Condon-Johnson that its bid is nonresponsive.

The DBE Commitment Form states in part "...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". The Subcontractor List form states in part, "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". Condon-Johnson failed to list ABSL Construction on its Subcontractor List. The omission of ABSL is a violation of the subcontractors listing laws as well as the Subcontractor List and DBE form instructions.

Based on the above, Caltrans will proceed to award the contract to the lowest responsible bidder provided that all requirements are 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

Attachments

Contract No. 04-456204

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

Bidder Name: Condon-Johnson & Associates, 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
Highway Specialty Company 90 Vale Street Santa Rosa, CA 95409	2, 3, 52, 53, 66	100%	Construction Area Signs and Traffic Control
Central Striping Service, Inc. 3489 Luyung Drive Rancho Cordova, CA 95742	1 4, 5, 6, 20, 23, 71, 72	53% 100% 100%	Striping
M&S Environmental Landscapes, Inc. 12192 Macs Road Redding, CA 96003	31, 32, 33, 34, 35, 36	100% 100%	Erosion Control
Vintage Paving Company 119 Main Street Winters, CA 95694	40, 42	100%	Asphalt Paving
Harris Rebar Northern Ca. 355 S. Vasco Road Livermore, CA 94550	51	100%	Bar (Reinforcing Steel)
Central Fence Company 148 Elm Circle Sacramento, CA 95822	21, 22, 67, 70 69	100% 100%	Guard Rail Cable Railing

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04-456204

**CALTRANS BIDDER - DBE - COMMITMENT
 (ATTACHMENT)**

Contract No. 04-4S6204 - Route 1 in Sonoma County near Timber Cove



Bid Amount \$1,365,982.90
 UDBE Goal 9%
 UDBE Min. Amount \$122,836.41

Contract Item No.	Item of work / description of service	For CalTrans Use Dnty	Name of UDBE, Caltrans certification #, address, phone number	Material / Supplier (Y/N)	Bid Amount	Dollar Amount UDBE
40, 42	Paving and Tack Coat		Vintage Paving Company, Inc. (Cert #027011) 118 Main St Winters, CA 95994 (530) 795-0132	N	\$221,575.00	\$221,575.00
1	Lead Compliance Plan (ADL)		Adams, Inc. (Cert #37257) 828 School Street Napa, California 94559 (707) 709-6894	N	\$1,300.00	\$1,300.00
14, 15, 18, 17,	Furnish BMPs		Water Components & Building Supply (Cert #27389) 44 Gimma St San Rafael, CA 94901 (415) 524-8280	Y	\$5,015.66	\$3,189.41
24, 28, 39	AC Grinding, Inertial		ABSL Construction (Cert #005270) 29383 Pacific Street Hayward, CA 94544 (510) 727-0800	N	\$10,600.00	\$10,600.00
31, 32, 33, 34,	Furnish and Install		M&S Environmental Landscapes, Inc. (Cert #030738) 12182 Mac's Road Redding, CA 96003 (530) 241-1418	N	\$37,138.60	\$37,138.50
41	Place AC Dike		A. C. Dike Co (Cert #00219) 2788 Venture Dr Lincoln, Ca 95848 (916) 652-0159	N	\$4,200.00	\$4,200.00
54, 55	Furnish Lumber & Timber		Rupert Construction Supply (Cert #032785) 9941 Park Dr, Ste 20-487 El Dorado Hills, CA 95762 (925) 223-6577	Y	\$26,027.60	\$16,816.60
TOTAL PARTICIPATION						\$283,617.41
UDBE PARTICIPATION						21.49%



Contract Number: 04-386-183-26
 Bid Opening Date: 2014-04-14
 Bid Closing Date: 2014-04-24
 Award Date: 2014-04-26
 Contractor: RGW CONSTRUCTION
 Phone number: (925)606-2400
 Bid Amount: \$1,560,018.00
 Project Location: 04-Ala-886-183-26.7
 Type of Work: Hot mix asphalt (open graded) overlay

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
CALTRANS BIDDER - DBE - COMMITMENT
063-0E-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. 04-3E6304

BID AMOUNT, \$ \$1,560,018.00

BID OPENING DATE April 3, 2013

BIDDER'S NAME RGW Construction, Inc.

DBE GOAL FROM CONTRACT, % 8%

DBE PRIME CONTRACTOR CERTIFICATION:

BID ITEM NO.	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED ²	FOR CALTRANS USE ONLY	NAME OF DBE ¹ (Must be certified on the dba bids are opened - include Caltrans certification #, DBE address and phone number) (Indicate 2nd and lower tier subcontractors)	DOLLAR AMOUNT DBE ²
10	AC Grinding Machine Rental		ABSL Construction 29393 Pacific Street Hayward, CA 94544 510-727-0900 Certification No. 5270	\$ 27,000

IMPORTANT: Identify all DBE firms being claimed for credit, regardless of tier. Names of the first tier DBE subcontractors and their respective tier(s) of work listed above must be consistent, where applicable, with the names and tiers of work on 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
1737 30TH STREET
SACRAMENTO, CA 95816-7006

Total Claimed Participation

\$



Signature of Bidder

Date 4-5-13

925-606-2400

(fill in Code) Tel. No.

Karim Massoud
Person to Contact

(Please Type or Print)

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Received

Apr 4 2013 09:44am

From: R.G.W. Construction A/P

926 608 2494

04/04/2013 08:42

#690 P.002/002

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

Bidder Name: RGW 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 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
Linear Options, Inc. Durham, CA	21 - 28	100%	Temporary Striping, Permanent Striping, Pavement Markers and Related
Linear Options, Inc. Durham, CA	14	43%	Shoulder Rumble Strip
KRC Safety Co., Inc. Visalia, CA	2 3	100% 49%	Construction Area Signs & Traffic Control Partial
A. C. Dike Co. Lincoln, CA	18-19	100%	AC Dike
StFrancis Electric San Leandro, CA	29-31	100%	Electrical

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