

April 27, 2015

Gordon N. Ball Inc. *Via Fax, Email & Overnight Mail*

General Engineering Contractors

Earl Seaberg, Chief, Office of Contract Awards & Services  
John McMillan, Deputy Division Chief  
Office Engineer - MSC 43

Tel 925.838.5675 California Department of Transportation

1727 30<sup>th</sup> Street

Fax 925.838.5915 Sacramento, CA 95816-7005

**Subject: BID PROTEST**  
**Contract 05-1F3604**  
**Bid April 14, 2015**

333 Camille Avenue

Gentlemen:

Alamo, CA 94507

We hereby protest the bid submitted by Bugler Construction (Bugler) for the above referenced project. The bid documents submitted by Bugler includes issues for which the Department must render the bid submitted to be non-responsive.

Bugler listed Titan DVBE for flagging work related to Bid Item 3, Portable Changeable Message Sign on the Subcontractor List form submitted with its bid. Consistently, Bugler also listed Titan DVBE for DVBE participation in the amount of \$52,960.00 for flagging work related to Bid Item 3, Changeable Message Sign on the Certified DVBE Summary form that was submitted post bid.

The stated amount of participation by Titan DVBE has been over stated. The subject project requires that a total of two (2) Changeable Message Signs (CMS) be installed for the work to be performed. These CMS will be installed one (1) time, and be removed one (1) time. We protest that there is \$52,960.00 of flagging work required to install and remove two (2) CMS on the project as the bid of Bugler states. The amount of flagging work required for the installation and removal of the two CMS has been over stated by Bugler.

If the intent of Bugler was for the participation of Titan DVBE to provide rental CMS, then the participation amount is also over stated for such work. At a rental rate of \$1300 per month per CMS unit as stated on the quotation of Titan DVBE, it would require a total of over twenty (20) months (approximately 440 working days) to have a rental participation of \$52,960.00, which cannot be factual, as the total working days for the project is 140 working days. Significantly, rental cost can only be accounted for at a 60% credit rate, so for a rental cost of \$52,960.00, only \$31,776 (\$52,960 x 60%) can be

counted as participation, which would render the total DVBE participation by Bugler to be less than the required 5.00%.

Finally, Bugler's bid price for Bid Item 3, Changeable Message Signs is \$8000.00. The bid price for the work listed does not support the DVBE participation amount stated by Bugler, which has been consistently been stated to be for flagging work related to Bid Item 3, Changeable Message Signs.

We request that the Department award the contract to the lowest responsible bidder.

GORDON N. BALL, INC.



Hal Stober  
President

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION  
Contract No.: 05-1F3604 Project ID: 0513000134  
Bidder Name: Bugler Construction  
DES-OE-0102.2B(REV 5/2014)

Bidder ID: VC0000019858

Bidding Firm: Bugler Construction

List this sub? Yes

1) Business Name Titan DVBE  
Location City Redding State ca  
California Contractor License Number 913725  
CA Department of Industrial Relations' Registration Number 1000006513  
Portion of Work Subcontracted:

Item #	Description
3	62.3 Traffic Control (flagging)

List this sub? Yes

2) Business Name Peterson Scaffolding Inc  
Location City Martinez State ca  
California Contractor License Number 970819  
CA Department of Industrial Relations' Registration Number 1000003225  
Portion of Work Subcontracted:

Item #	Description
7	21.3 install scaffolding for work
8	26.3 install scaffolding for work

# LOW Bidder

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

04-17-15A11:27 RCVD

DISTRICT-COUNTY-ROUTE: 05 - SCR - 1  
CONTRACT NO.: 05-1F3604  
TOTAL BID: \$ 694,531-  
BID OPENING DATE: 4-14-15  
BIDDER'S NAME: BUBLER CONSTRUCTION  
DVBE PRIME CONTRACTOR CERTIFICATION <sup>1</sup>: NA

Bid Item Number	Description of Work to Be Subcontracted to DVBE or Materials to Be Supplied by DVBE <sup>2</sup>	For Caltrans Only	DVBE (Name, Telephone No., and Certification No.)	\$ Amount
#3	TRAFFIC CONTROL (FLAGGING)		TITAN (530) 246-7836 #1249460	\$ 52,960-
<b>Total Claimed Participation</b>				\$ 52,960 7.62 %

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.

- DVBE prime contractors must enter their DVBE reference number or their DBA name as listed with Department of General Services (DVBE prime contractors are credited with 100 percent DVBE participation and need not complete the above table).
- If 100% of an item is not performed or supplied by the DVBEs, describe the exact part, including the planned location of work to be performed, of item to be performed or supplied by DVBE.

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

[Signature] 4-15-15  
Signature of Bidder Date  
(925) 416-0700  
(Area Code) Telephone Number  
GLENN BUBLER  
Contact Person (Type or Print)

4/10/2015 13:22 TO: 19254167746 FROM: 5302467837

Page: 2



P.O. BOX 492336

**SBE/DVBE REF# 1249460 Lic# 913725 DIR # 1000006513**

*LIST*

*#3*

*52,960*

CDOT #05-1F3604

Bid Date 4/14/2015

**Bid item # 2 CONSTRUCTION AREA SIGNS** furnish, install, remove (add \$850.00 to have Titan USA project)  
\$3800.00 (with traffic control)

**Bid item # 3 TRAFFIC CONTROL**

**2 Man Flagging Crew:** Includes all cones and all advanced portable warning signs as needed for one mile one direction at a time (additional charges for additional cones and signs if needed)  
Over time billed at \$95.00 per man hr

**RATES DO NOT INCLUDE .5 LUNCH REQUIRED IF NOT RELIE/ED BY CONTRACTOR**

2 man flagging crew 8hr shift= 1350.00 = 2 additional flaggers \$1200.00= \$2550.00

2 man flagging crew 10hr shift= \$1730.00 + 2 additional flaggers \$190.00= \$3310.00

2 man flagging crew 12 hr shift= \$2110.00 + 2 additional flaggers \$190= \$4010.00

Rumble strips \$1200 month \$800.00 week \$200.00 day (per each set)

Additional Flaggers- 8 hr shift \$650.00 over time billed at \$95.00 per man hr  
All Night Work is billed an additional \$3.50 per man hr

**Pilot Car with Operator:** Includes operator (no mileage charge)  
8 hour shift - \$750.00 overtime billed at \$115.00 per hr.

Signatory to Northern California Laborers

**Bid Item # 4 PORTABLE CHANGEABLE MESSAGE BOARDS**

\$1300.00 a month, \$750.00 week, \$300.00 a day, \$200 Delivery Charge Per board.

There will be no retention held on Traffic Control. There MUST be a 2 week notice before start of work. If this project falls in a per diem area, contractor will be charged an additional \$24.00 per day per man. Traffic control bid item based on a minimum of 5 consecutive days. Anything less than 3 days will be charged an additional fee of \$500 per crew. Items not specifically include are considered to be excluded. All bid items are subject to a formal contract or PO suitable to both parties prior to any work starting. All bid items are subject to availability at the time of project start date. Titan DVBE Ref#1249460. Please call William Schroyer/ Gene Tucker with questions 530-26-7836.

*\**

*3310 (10 wk msg)  
x 16 shift  
-----  
\$52,960*

*+ Rumble 2,400*

# BUGLER CONSTRUCTION

4847 Hopyard Road, Suite 4 #395  
Pleasanton, CA 94588-2713  
(925) 416-0700 FAX (925) 416-7746  
E-Mail: buglerconst@comcast.net

04-17-15A11:27 RCVD

## Low Bidder

April 16, 2015

MSC 43  
Office Engineer  
Department of Transportation  
1727 30<sup>th</sup> Street  
Sacramento CA 95816-7005

Via Federal Express

Reference: Bid for Contract No. 05-1F3604

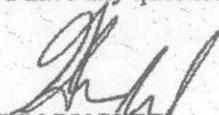
Subject: Certified DVBE Summary

To whom it may Concern:

Bugler Construction is the apparent low bidder for the above referenced project that bid on April 14, 2015. We are providing the attached Certified DVBE Summary (DES-OE-0102.5). This information may not be required as it is redundant to the information contained in pages 10 and 11 of the electronic bid submitted on bid day.

Also attached is a copy of quote from the listed Subcontractor. Note the quote has some handwritten notes, made on bid day, that show how the amount of \$52,960 in Total Claimed Participation was calculated.

If you have any questions or need further information I can be reached at the above numbers.

  
GLENN BUGLER  
President

# NOTICE TO BIDDERS

Bids open Tuesday, April 14, 2015

Dated March 23, 2015

General work description: Install cathodic anodes and scour monitor, and repair concrete spill

The Department will receive sealed bids for CONSTRUCTION ON STATE HIGHWAY IN SANTA CRUZ COUNTY NEAR DAVENPORT AT SCOTT CREEK BRIDGE AND AT WADDELL CREEK BRIDGE.

District-County-Route-Post Mile: 05-SCr-1-31.6, 36.3

Contract No. 05-1F3604

The Contractor must have either a Class A license or one of the following Class C licenses: C-8.

The DVBE Contract goal is 5 percent.

Bids must be on a unit price basis.

Complete the work within 140 working days.

The estimated cost of the project is \$830,000.

No prebid meeting is scheduled for this project.

The Department will receive bids until 2:00 p.m. on the bid open date via Bid Express web site. Bids received after this time will not be accepted. For more information refer to the Electronic Bidding Guide at the Bidders' Exchange web site.

The Department will open and publicly read the bids at 1727 30th Street, Bidders' Exchange, MS 26, Sacramento, CA 95816 immediately after the specified closing time.

District office addresses are provided in the *Standard Specifications*.

Present bidders' inquiries to the Department and view the Department's responses at:

[http://www.dot.ca.gov/hq/esc/oe/inquiry/bid\\_inquiries.php](http://www.dot.ca.gov/hq/esc/oe/inquiry/bid_inquiries.php)

Questions about alleged patent ambiguity of the plans, specifications, or estimate must be asked before bid opening. After bid opening, the Department does not consider these questions as bid protests.

Submit your bid with bidder's security equal to at least 10 percent of the bid.

Under Govt Code § 14835 et seq. and 2 CA Code of Regs § 1896 et seq., the Department gives preference to certified small businesses and non-small businesses who commit to 25 percent certified small business participation.

Under Pub Cont Code § 6107, the Department gives preference to a "California company," as defined, for bid comparison purposes over a nonresident contractor from any state that gives or requires a preference to be given to contractors from that state on its public entity construction contracts.

Prevailing wages are required on this Contract. The Director of the California Department of Industrial Relations determines the general prevailing wage rates. Obtain the wage rates at the DIR Web site, <http://www.dir.ca.gov>, or from the Department's Labor Compliance Office of the district in which the work is located.