

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 30th STREET
P. O. BOX 168041
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6299
FAX (916) 227-6282
TTY 711



*Flex your power!
Be energy efficient!*

October 21, 2013

Facsimile: (209) 396-2681

Michael Niven, Vice President, RMO
CCFG Construction
14535 Lake Vista Dr.
Sonora, CA 95370

05-463814
05-SB-101-83.2/83.8
B.O. 9/25/2013

Dear Mr. Niven,

The Department of Transportation (Caltrans) received the attached letter dated October 5, 2013, from CCFG Construction (CCFG), protesting the Disabled Veteran Business Enterprise (DVBE) Commitment form submitted by Empire Landscaping, Inc. (Empire). The protest states that Empire made an error in calculating its total claimed DVBE participation; and that the correct amount should be \$24,670.47 or 4.97%. Thus, Empire failed to meet the 5% DVBE goal for this project. CCFG requests Caltrans find Empire's bid nonresponsive and award the contract to CCFG.

Caltrans reconciled the DVBE Summary form submitted by Empire, and found that CCFG considered the amount for job site management as \$1.85, but the proper amount is \$185.00. In addition, the Office of Business and Economic Opportunity, Contract Evaluation Unit conducted an evaluation of the DVBE Commitment form and determined that the correct DVBE total for Empire is \$24,853.62. Therefore, Empire did meet the 5% DVBE goal for this project.

Based on the above, Caltrans finds CCFG's protest lacks merit and will proceed to award the contract to Empire Landscaping.

If you have any questions, please contact Mulissa Smith, Contract Awards Branch Manager, at (916) 227-6228.

Sincerely,

A handwritten signature in black ink, appearing to read "John C. McMILLAN".

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

Attachment



October 5, 2013

Department of Transportation
Division of Engineering Services
Office Engineer
1727 30th Street MS-43
Sacramento, CA 95816-8041
Phone (916)-227-6299
Fax (916)-227-6282

Attention: Mr. McMillan
Deputy Division Chief

Subject: Bid Protest for Contract # 05-463814

CCFG Construction would like to protest the bids of Empire Landscaping (low bidder) and Spiess Construction (2nd bidder) on the above referenced project.

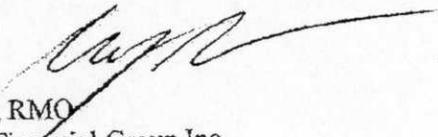
Empire Landscaping failed to meet the 5% DVBE goal that was set for this project. After reviewing their Certified DVBE Summary, an error was found in the total amount of participation claimed for Global Environmental Network Inc. Empire listed GENI for their Lead plan - \$785, Construction area signs - \$1,172, Job site management - \$1.85, and WPCP - \$675. The total for these items should be \$2,633.85. With their other DVBE listed the grand total should be \$24,670.47 not \$24,853.62 for a total DVBE participation percentage of 4.97%. This falls short of the mandatory 5.00% goal for this project, therefore Empire should be deemed by Caltrans as non-responsive.

Spiess Construction failed to submit an acceptable Certified DVBE Summary as well. They listed Sam's Equipment Supplies as their DVBE and listed them as being certified under DGS certification # 34479. After reviewing that certification # on the DGS website

an inconsistency was found when #34479 did not belong to Sam's Equipment Supplies. For this reason Spiess Construction should be deemed non-responsive for their erroneous DVBE summary.

CCFG Construction's bid on Caltrans project 04-4S1604 on 7-30-2013 was deemed unacceptable for similar reasons, and therefore, as 3rd bidder CCFG Construction should be awarded the project as the lowest responsible bidder.

Sincerely,


Michael Niven
Vice President, RMO
Central Coast Financial Group Inc.
DBA: CCFG Construction

Low (In Bid Book)

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

DISTRICT-COUNTY-ROUTE: 0553 - 101 - 83,2 / 83.8
 CONTRACT NO.: 05-463814
 TOTAL BID: 495,762.5
 BID OPENING DATE: 9-25-13
 BIDDER'S NAME: Empire Landscaping Inc
 DVBE PRIME CONTRACTOR CERTIFICATION ¹

Bid Item Number	Description of Work to Be Subcontracted to DVBE or Materials to Be Supplied by DVBE ²	For Caltrans Only	DVBE (Name, Telephone No., and Certification No.)	\$ Amount
# 1	Lead Compliance Plan		Global Environmental Network Inc	\$ 785
# 2	Cons area signs		Ph: 800-230-6964	\$ 1,132
# 5	Job site management		DVBE # 24765	<u>1,85</u>
# 6	WRPCP			\$ 675
# 22, 23, 24, 25, 26, 28, 28	Materials only They are all listed		USC Supply Ph: 530-273-1639	
29, 30, 31, 32	h/s quote		DVBE # 1568820	\$ 22,036.62
33, 34, 35, 36	(PVC pipe, valves,			
37, 38, 39	irrigation head, bubblers)			
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	\$ <u>24,853.62</u> <u>5.1</u> %

¹ DVBE prime contractors must enter their DVBE reference number or their CBA name as listed with Department of General Services (DVBE prime contractors are entered with 20) percent DVBE participation and need not complete the above table)

² 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

A Cu 9-25-13
 Signature of Bidder Date
(530) 400-3943
 (Area Code) Telephone Number
Ahmet Gulcu
 Contact Person (Type or Print)

2nd (In Bid Book)

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

DISTRICT-COUNTY-ROUTE: 05 SB 101-83.2/03.8
CONTRACT NO.: 05-463814
TOTAL BID: 508,736.⁶⁰
BID OPENING DATE: 25 SEPTEMBER 2013
BIDDER'S NAME: SPIESS CONSTRUCTION CO., INC.
DVBE PRIME CONTRACTOR CERTIFICATION ¹ _____

Bid Item Number	Description of Work to Be Subcontracted to DVBE or Materials to Be Supplied by DVBE ²	For Caltrans Only	DVBE (Name, Telephone No., and Certification No.)	\$ Amount
12	Soil amendment		Sam's Equipment & Supplies	25,824. ¹²
42	Compost		<u># 34479</u>	

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

\$ 25,824.¹²
5 %

- 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

Scott A. Coleman
Signature of Bidder
9.24-13
Date

805-937-5859
(Area Code) Telephone Number
SCOTT A. COLEMAN
Contact Person (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) 654-3660 or write Records and Forms Management, 1120 N Street, MS-69, Sacramento, CA 95814.



Department of
General Services

BUILDING GREEN - BUYING GREEN - WORKING GREEN

Search Criteria

Supplier ID: 34479

The State of California Certifications

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(showing 1 - 1 of 1)

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STONEWARE TILE INC -

34479

Legal Business Name: STONEWARE TILE INC

Doing Business As: STONEWARE TILE INC

18827 NAPA ST

NORTHRIDGE, CA 91324

Email: stonewartile@sbcglobal.net

[View Profile](#)

Phone: (818) 701-2993

Fax: (818) 701-2989

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FAX COVER SHEET

TO _____

COMPANY _____

FAX NUMBER 19162276282

FROM Mike Niven

DATE 2013-10-07 13:07:53 GMT

RE Project 05-463814 Bid Protest

COVER MESSAGE

Please see the attached Bid Protest from CCFG Construction

-

Mike Niven
CCFG Construction
209-743-4911 cell
209-201-0986 office

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

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

Oct 21 2013 02:00pm

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
912093962681	Normal	21:01:58pm	1'56"	7	* O K	

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

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DIVISION OF ENGINEERING SERVICES
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JOHN C. McMILLAN
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