



October 5, 2013

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

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 (2<sup>nd</sup> 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 3<sup>rd</sup> 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 <sup>1</sup>

| 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             |
|--|---|-------------------|--|-----------------------|
| # 1  | Lead Compliance plan  |                   | Global Environmental Network Inc<br>Ph: 800-230-6964<br>DVBE # 24765 | \$ 785                |
| # 2  | Cons area signs   |                   |  | <del>\$ 127</del>     |
| # 5  | Job site management   |                   |  | <b>185</b>            |
| # 6  | WPCP  |                   |  | \$ 675                |
| # 22, 23, 24, 25, 26, 28, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39   | Materials Only<br>They are all listed<br>h/s quote<br>(PVC pipe, valves, irrigation head, bubblers) |                   | WSC Supply<br>Ph: 530-273-7639<br>DVBE # 1568820                     | \$ 22,036.62          |
| 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 |   |                   | <b>Total Claimed Participation</b>                                   | \$ 24,853.62<br>5.1 % |

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 credited with 70% percent DVBE participation and need not complete the above table).

2. If 100% of an item is not performed or supplied by the DVBE, 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)

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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 <sup>1</sup> \_\_\_\_\_

| 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   |
|---|--|-------------------|---|---|
| 12  | Soil amendment   |                   | Sam's Equipment & Supplies                        | 25,824.12   |
| 42  | Compost  |                   | <del>254</del><br># 34479                         |   |
| 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. |  |                   |   | <b>Total Claimed Participation</b><br>\$ <u>25,824.12</u><br><u>5</u> % |

- 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 of Bidder 9.24.13  
Date

805-937-5859  
(Area Code) Telephone Number

SCOTT A. COLEMAN  
Contact Person (Type or Print)

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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](#)

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# FAX COVER SHEET

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**TO**

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**COMPANY**

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**FAX NUMBER**      **19162276282**

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**FROM**                **Mike Niven**

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

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**RE**                    **Project 05-463814 Bid Protest**

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## COVER MESSAGE

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**Please see the attached Bid Protest from CCFG Construction**

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**Mike Niven**

**CCFG Construction**

**209-743-4911 cell**

**209-201-0986 office**