

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

www.dot.ca.gov/hq/esc/oc

*Flex your power!
Be energy efficient!*

November 7, 2013

Facsimile: (510) 724-2391

Bret Taber, President
Taber Construction, Inc.
P.O. Box 1309
Concord, CA 94520

06-0Q5504
06-Fre-168, 180-VAR
B.O. 10/15/2013

Dear Mr. Taber:

The Department of Transportation (Caltrans) received the attached letter dated October 29, 2013, from Wabo Landscape & Construction, Inc. (Wabo) protesting the Subcontractor List and Disadvantaged Business Enterprise (DBE) Commitment Form submitted by Taber Construction, Inc. (Taber). The protest alleges that the Subcontractor List and the DBE Commitment Form contain inconsistencies. Taber's Subcontractor List shows AC Electric performing 100% of bid items 35 and 36. Taber's DBE Commitment Form lists Catco Services as performing bid items 12, 35 and 36.

Wabo is requesting that Caltrans reject Taber's bid as nonresponsive and award the contract to the lowest responsible bidder.

Please provide your response to Wabo and Caltrans no later than 4:00 p.m. on November 8, 2013.

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

Sincerely,

A handwritten signature in black ink that reads "John C. McMILLAN".

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

Attachment



Landscape & Construction, Inc.

726 ALFRED NOBEL DR. HERCULES, CA 94547 LIC. 962263 A, B, & C27
(510) 741-9226 FAX (510) 724-2391 bids@wabo.com

October 29,2013

Attention: John McMillan

To: CalTrans

Phone: (916) 227-6280

Fax: (916) 227-6282

From: WABO Landscape & Construction, Inc.

Re: Bid Protest for Contract No. 06-0Q5504

Nine pages to follow.



Landscape & Construction, Inc.

726 ALFRED NOBEL DR. HERCULES, CA 94547 LIC. 962263 A, B, & C27
(510) 741-9226 FAX (510) 724-2391 bids@wabo.com

October 29, 2013

John McMillan
Deputy Division Chief
Division of Engineering Services
Office Engineer, MS 43
1727 30th Street
Sacramento, CA 95816
Phone: (916) 227-6280
Fax: (916) 227-6282

Re: Contract 06-0Q5504; Bid Opening Date: 10/15/2013

Dear Mr. McMillan:

WABO Landscape & Construction, Inc. (WABO) hereby protests the bid submitted by Taber Construction, Inc. (Taber), the apparent low bidder for Contract 06-0Q5504. WABO submitted a bid for the project and therefore has standing to file this protest. We protest Taber's bid on the grounds that there is an apparent inconsistency between the information provided with Taber's DBE Commitment form and the information on their Subcontractor List which calls into question the accuracy of the Subcontractor List information.

Taber's Subcontractor List shows A-C Electric of Fresno (ACE) performing 100% of items 35 and 36 (Electrical Systems (Route 168) and Electrical Systems (Route 180) respectively). Taber's DBE Commitment Form lists Catco Services (Catco), of Oakland as providing "Electrical Equipment" for bid items 12, 35, and 36.

If the Electrical Materials for items 35 and 36 are being purchased by Taber, as the currently available evidence suggests, then Taber's bid should be found non-responsive for failure to properly complete the Subcontractor's List form. Specifically, if Taber is responsible for purchasing and providing the Electrical Equipment for bid items 35 and 36, Taber's listing of ACE to perform 100% of bid items 35 and 36 is inaccurate.

There is no indication on the DBE Commitment form that the supplier Catco is a second tier supplier. The written confirmation of Catco's participation is a letter from its owner, Carolyn Taylor, saying that Catco will furnish \$582,000 worth of Electrical Equipment and Materials for this contract. As the letter is addressed to Brett Taber and no other company is mentioned, the implication is that Taber is the purchasing agent. As no portion described, Catco is assumed to be providing 100% of the Electrical Equipment for these bid items.

WABO received a quote from ACE for this project (attached). The prices we received in our quote from ACE closely match Taber's bid prices for items 35 and 36. The quote we received from ACE gave no indication that ACE would be purchasing electrical equipment for the project from a DBE. As the use of a DBE supplier would have made ACE's bid more competitive, we find it unusual that they would not have included this information with their bid, and apparently only informed Taber of this.



Landscape & Construction, Inc.

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(510) 741-9226 FAX (510) 724-2391 bids@wabo.com

The available evidence all points towards a serious error in Taber's bid. But there is ambiguity where there should be transparency. It is not clear whether Catco is a first or second tier vendor, and what materials they are providing. We believe there is sufficient cause for the Department to request additional information in order to clarify the facts. WABO requests that the Department get clarification in the form of statements from Taber, Catco and ACE, clearly stating whether Taber or ACE is purchasing and providing the electrical equipment for bid items 35 and 36; who Catco is selling equipment to; and what electrical equipment Catco is selling.

If, upon clarification, our protest above is found to have no merit, we request that the Department pass the following information and concerns to the Contract Evaluation Unit (CEU). We question whether Catco meets the criteria of §26.55(e)(2)(ii) for being treated as a regular dealer in its participation on this contract.

We are concerned because Catco has work codes that are consistent with being a supplier of some forms of electrical equipment, and therefore might appear to have the correct work codes.

Furthermore, Catco's DBE certification page on the CalTrans website gives two addresses for Catco Services. One, 22 Moss Avenue, is an apartment building. The second, 360 Grand Avenue (#246) is a UPS store that provides a mail-box service. While running a business out of an apartment is certainly feasible, it is not likely that an apartment run business could be a regular dealer as defined by §26.55(e)(2)(ii):

a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business.

While an Catco could have a warehouse, they would not need one to meet the qualifications for their work codes, D3690 Miscellaneous Electrical Equipment and F5060 Electrical Goods.

While no quote was provided by Catco, the "Electrical Materials" for bid items 12, 35 and 36 includes some 550 pull boxes (item 12); and approximately 2,278 more pull boxes for items 35 and 36. The work code for a supplier of these types of items would be most likely be C0686, which Catco does not list.

Please feel free to contact us with any questions regarding this matter.

Sincerely,

Steve Gladden
President
WABO Landscape & Construction, Inc.

Received
10/15/2013 10:56 FAX 0256028122

Received
Oct 15 2013 04:21am
Taber Construction

0002/0002

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
DES-OE-01022 (REV 3/2011)

Bidder Name: Taber 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 amount Subcontracted	Column 4: Description of Subcontracted Work
KRC Safety; Visalia	3	100%	Const. Area Signs
All Commercial Fence; Waterford	15,32,33	100%	Fence and Gates
A C Electric; Fresno	35,36	100%	Electrical

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-7910 or TDD (916) 654-3888 or write: Records and Forms Management, 1170 H Street, MS-03, Sacramento, CA 95834.

Contract No. 00-0Q5904

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
CALTRANS BIDDER - DBE - COMMITMENT
 DEC-06-0102 DOC: T11EW06/2012

Low Bidder

The information on this bid is intended to be used for program, fiscal, and other purposes. It is not, and you are, the approved low bidder or the approved low bid for this contract. It must be published and reviewed as specified in section 3 of the specifications. Failure to submit the required DBE information will be grounds for finding the bid non-responsive.

CONTRACT NO. **06-005504**
 BID AMOUNT **\$5,430,650**
 BID OPENED DATE **10/15/13**
 BIDDER NAME **TABEA CONSTRUCTION INC.**
 DBE GOAL FROM CONTRACT **7**
 HAS PRIME CONTRACTOR CERTIFICATION?

DBE ITEM NO.	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED	FOR CALTRANS USE ONLY	NAME OF DBE (Must be certified on the date bid was opened - include Caltrans Certification #, DEC bid and DBE phone numbers (include DBE and lower DBE subcontractors) -	DOLLAR AMOUNT DBE
3	CONST. AREA SIGNS		KRC SAFETY ①	36,080
7	PREPARE W/OP ELECTRICAL EQUIPT.		TWIST CONSULTING ② TIG CATED SERVICES ③	650 582,000
17, 35, 36				

MANDATORY: Items of DBE work being offered for trade, repair, or maintenance of work of the project. DBE subcontractors and their respective percentages of work offered must be completed. Also a checklist with the names and contact info of each of the "Subcontractor List" submitted with your bid. Copies of the DBE order, etc. required.

- DBE order numbers only, if enter their certification number and indicate of work to be performed by DBE. In order to be purchased by the contractor.
- If 100% of work is to be performed or finished by DBE, indicate exact portion of work to be performed or finished.
- Use section 2-1.12 of the specifications to determine the credit works to DBE work.

Submit to:

HSC 43
 DBE ENGINEER
 DEPARTMENT OF TRANSPORTATION
 1515 ARTHUR STREET
 SACRAMENTO, CALIFORNIA 95811

Total Claimed Participation

\$ 385,970

7.1%

Signature of Bidder

10/14/13

Date

915-602-4233

(Also include Fax No.)

BACT TNGER

Printed Name

(Number type or type)

ADA Notice: For web-based and online services, this document is available in HTML or PDF format. For information call (916) 661-0410 or TDD (916) 664-1887 or write PACFP and Public Management, 1515 Arthur Street, Sacramento, CA 95811



360 Grand Ave., Suite 218
Oakland, CA 94610

October 15, 2013

TO: Taber Construction Inc.
Attn: Bret Taber

PROJECT: Caltrans 06-0Q5504

Catco Services Lighting and Electrical Company is please to submit this confirmation to/will furnisb Electrical Equipment and Materials for above project -

TOTAL PRICE ----- \$582,000.00

Questions I can be reach at 510-435-8453.

Reference available upon request.

Thank you kindly for your consideration.

Carolyn Taylor
Owner
Catco Services Lighting and Electrical Co.

☎ 510.655.4401
☎ 510.655.4401
✉ info@catcoservice.com

2013-10-29 11:22 AM

USE



A-C Electric Company — CALIFORNIA C-10 LICENSE 98848

ENGINEERING-CONSTRUCTION-SERVICE

FRESNO DIVISION
 Box 2425 (B3745-2425)
 2500 E East Avenue
 Fresno, CA 93705
 Phone 559/233-3208
 Fax 559/233-6041
 www.a-c-electric.com

October 15, 2013

To: Bidding General Contractors VIA FAX
 Attention: Estimating 2 pages

Re: Construction on State Highway in Fresno County at Various Locations in District 06 on Routes 168 and 180, Caltrans 08-0Q5504

Subject: Electrical Proposal (A-C bid F-13-192)

A-C Electric Company is pleased to provide our proposal for the electrical portion of this project.

Our proposal is based on the following bid documents:

Drawings:
 The one hundred nineteen electrical drawings, sheets E-1 through E-119, (sheets 69 through 187 of 204).

Specifications:
 Caltrans 2010, Section 86, as amended by Special Provisions pages 20 through 38.

Addenda No. 1, dated 9-27-13, No. 2, dated 10/7/13, and No. 3, dated 10/8/13 are acknowledged.

PRICING:

BI 34 Maintain Existing Traffic Management System Elements	\$ 10,000.00
BI 35 Electrical Systems (Route 168)	\$ 905,000.00
BI 36 Electrical Systems (Route 180)	\$ 978,000.00
BI 39 Mobilization	\$ 200,000.00

Total Electrical Bid \$ 2,093,000.00

The bid is based on our being awarded all of the bid items above. We reserve the right to adjust these prices if all are not awarded to A-C Electric Company.

Items Included In bid:

1. Work includes directional boring, excavation and backfill for our work as applicable with on-site dispersal of excess soil.
2. Work includes furnishing and installing conduits, conductors, traffic rated concrete pull boxes and extensions, galvanized steel lids for traffic boxes with penta head bolts, concrete collars at concrete pull boxes, custom lockable lids for existing pull boxes, video surveillance standards and equipment, anchor bolts, and service pedestals.
3. Disposal of removed concrete pull boxes and lids.
4. Prevailing wages.

Items not included in bid:

1. Traffic control such as lane, ramp, and shoulder closures.
 For Bid Item 35, we will need 27 Freeway Shoulder Closures, 36 Freeway Ramp Closures, 13 City Street Lane Closures, and 6 City Street Shoulder Closures.

Replace Electrical Routes 168 and 180 CT 06-005504
A-C Electric Company
Electrical Proposal
October 15, 2013
Page 2 of 2

For Bid Item 36, we will need 1 Night Freeway Lane Closure, 35 Freeway Ramp Closures, 76 Freeway Shoulder Closures, 8 City Street Lane Closures, and 5 City Street Shoulder Closures.

2. Utility company charges.
3. Permits and bonds (our bond rate is approximately 0.53%).
4. Liquidated damages for events beyond our control.
5. Surveying and staking.
6. Overtime and shift work.
7. Changeable message signs.
8. Temporary signals and street lighting.
9. Removal and replacement of concrete and asphalt.
10. Repair or replacement of landscape damaged due to our work.

Our bid is conditioned on:

- 1) A mutually acceptable form of purchase order or contract document.

Some clauses of importance to us are realistic payment clauses which protect both parties, guarantee us that we get paid promptly for our work and eliminate unnecessary paperwork; indemnification clauses which equitably allocate risk to the parties, insuring that you are indemnified for the negligent acts of A-C Electric Company, without A-C indemnifying or defending you for your negligence; scheduling clauses which give us adequate time to perform our work efficiently and safely, compensate us for acceleration required for reasons outside our control, and limits any requirement for us to accelerate without compensation to our failure to perform in meeting a reasonable schedule.

In the event that we are unable to reach a mutually acceptable contract utilizing Contractor's proposed document, this bid is conditioned on the use of Consensus DOCS 750 or 751, documents drafted and agreed to by the various construction trade associations with the intent to be fair to the contractor, subcontractor and owner.

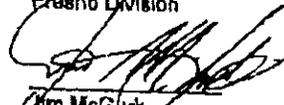
- 2) As an interim measure, while we are working on a mutually acceptable contract document, we will perform work and supply material upon receipt of a written authorization to do so with the assurances that we will be paid timely for the work done.
- 3) If you are one of the more than 60 Contractors with which we have worked out a mutually acceptable contract, or an addendum to your standard contract, our bid is conditioned to it.

Legal venue of this project will fall under the jurisdiction of the state and county in which the work is performed.

A-C Electric Company is signatory to collective bargaining agreements with the International Brotherhood of Electrical Workers. This bid is based on doing the work of our bid items with our own forces who are signatory to the IBEW or selected subcontractors. We will cooperate with you in resolving labor problems involving our work and the IBEW resulting from claims or grievances made by labor unions to which you are signatory. We will provide representation and bear our own costs for doing so. We will not indemnify nor reimburse you for costs you incur resulting from such claims or grievances.

If you should have any questions or comments, please feel free to contact me, or the estimator, Dan Irvin, at 651-410-0308.

A-C ELECTRIC COMPANY
Fresno Division


Jim McGurk
Division Manager

www.a-celectric.com



A-C Electric Company — CALIFORNIA C-10 LICENSE 99849

ENGINEERING - CONSTRUCTION - SERVICE

PRECONSTRUCTION SERVICES
 Box 01877
 2821 Hanger Way (93388)
 Redlands, CA 93380-1877
 Phone 661/410-0000
 Fax 661/410-0402
 www.a-c-electric.com

FACSIMILE TRANSMITTAL

To: WABO Landscape & Construction	Attn: Estimating @ WABO Landscape & Construction
Fax Number: 15107242391	No. of Pages (Including Cover): 3
From: Daniel E. Irvin	Date: 10/15/2013 1:30:56 PM
Job No. / PO No.:	
<p>Comments: (661) 410-0308</p>	

[Back To Query Form](#)

Search Returned 1 Records

Thu Oct 17 11:02:39 PDT 2013

Query Criteria

Firm/DBA Name: catco services

Firm Type: DBE

3

Firm ID	37242
Firm/DBA Name	CATCO SERVICES
Address Line1	22 MOSS AVE., SUITE 400
Address Line2	360 GRAND AVE #240
City	OAKLAND
State	CA
Zip Code1	94610
Zip Code2	
Mailing Address Line1	
Mailing Address Line2	
Mailing City	
Mailing State	
Mailing Zip Code1	
Mailing Zip Code2	
Certification Type	DBE
Email	tnlu@catcoservices.com
Contact Name	CAROLYN TAYLOR
Area Code	(610)
Phone Number	855-4401
Fax Area Code	(510)
Fax Phone Number	855-4401
Agency Name	BAY AREA RAPID TRANSIT DISTRICT (BART)
Counties	01; 07; 21; 28; 34; 38; 41; 43;
Districts	03; 04;
DBE NAICS	423610; 444100;

ACDBE NAICS

Work Codes	D3800 MISC. ELECTRICAL EQUIPMENT & SUPPLIES; F5080 ELECTRICAL GOODS;
Licenses	
Trucks	
Gender	F
Ethnicity	BLACK
Firm Type	DBE

[Back To Query Form](#)

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

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

Nov 7 2013 11:46am

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
915107242391	Normal	07:11:44am	1'44"	11	# O K	

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DIVISION OF ENGINEERING SERVICES
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EDMUND G. BROWN Jr., Governor



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Sincerely,

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

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