

GENERAL CONTRACTOR
LICENSE NO. 116307 A C12
FAX: 818.362.9300

SECURITY PAVING COMPANY, INC.

05-25-16P02:11 RCVD

13170 TELFAIR AVENUE
SYLMAR, CA 91342
TEL. 818.362.9200

May 23, 2016

State of California, Department of Transportation
Division of Engineering Services
Office Engineer, MS 43
1727 30th Street
P.O. Box 168041
Sacramento, CA 95816

Attention: Jill Sewell, Office Chief

Re: **Response to MCM Construction, Inc. Bid Protest**
Contract No. 07-2159U4
Construction on Route 5 From Artesia Boulevard Undercrossing to North Fork Coyote Creek in
Los Angeles and Orange Counties
Bid Opened 4/27/2016

Dear Ms. Sewell:

Security Paving Company, Inc. ("Security Paving") submits this letter in response to the protest by MCM Construction, Inc. ("MCM") dated May 17, 2016 for Contract No. 07-2159U4, Construction on Route 5 From Artesia Boulevard Undercrossing to North Fork Coyote Creek in Los Angeles and Orange Counties (the "Project"). As set forth below, MCM's bid protest has absolutely no merit and should be rejected.

On April 27, 2016 Security Paving submitted the lowest responsive bid for the Project. Security Paving's bid listed Diversified Landscape ("Diversified") to perform work on Bid Items 44 and 94-130. On May 2, 2016 Security Paving also listed Diversified on its DBE Commitment form. However, Diversified is only DBE certified for certain categories of work. Security Paving identified those categories on its DBE Commitment form (Bid Items 44, 95, and 104-130). Security Paving did not identify the categories of work for which Diversified is not DBE certified (Bid Items 94 and 96-130). Security Paving cannot list non-DBE work on its DBE Commitment form. Diversified will perform all work identified on the Subcontractor List. Accordingly, Security Paving's DBE Commitment form is consistent with its Subcontractor List. MCM's allegation that Security Paving changed Diversified's scope of work on the DBE Commitment form is both absurd and simply wrong. MCM's protest is baseless, has no merit, and should be rejected. Security Paving is the lowest responsive, responsible bidder.

MCM also contends that Security Paving changed the scope of work for Tipco Engineering, Inc. ("Tipco") on its DBE Commitment form. MCM's allegation is, once again, incorrect. On bid day, Security Paving listed Tipco to perform work on Bid Item Nos. 142, 143, and 145 through 150. On its DBE Commitment form, Security Paving inadvertently placed a hyphen between the bid items so that the DBE Commitment form incorrectly reads 142-150. MCM contends that by doing so Security Paving added Bid Item No. 144 to Tipco's scope of work. MCM is wrong. The description of Tipco's work on the DBE Commitment form states "Furnish and Drive Piling." Bid Item No. 144 is for cast-in-drilled-hole concrete piling, not furnishing or driving piles. Further, Tipco's subcontractor bid, which was submitted with the DBE Commitment form, clearly indicates that Tipco is performing work on Bid Item Nos. 142, 143, and

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145-150, and the amount stated on the DBE Commitment form for Tipco's work is consistent with Tipco's proposal. Tipco's proposal does not include Bid Item No. 144. Accordingly, MCM's protest has no merit and should be rejected. Security Paving is the lowest responsive, responsible bidder.

A. Security Paving is the Lowest Responsive and Responsible Bidder

A responsive bid agrees to do what the bidding instructions require. *MCM Construction, Inc. v. San Francisco*, 66 Cal.App.4th 359, 369 (1998). A responsive bid is one that is in strict and full compliance with all material terms of the bid package. *Menefee v. Fresno*, 163 Cal.App.3d 1175 (1985) (illustrating the rules governing bid responsiveness for public works contracts). One test often used to determine whether a bid materially complies with the bidding documents is whether the variance gives the bidder a substantial economic advantage or benefit not enjoyed by other bidders. *Ghilotti Construction Co. v. Richmond*, 45 Cal. App.4th 897, 904-05 (1996) (holding that a public entity has discretion to accept a bid if the bid substantially conforms with the call for bids and the variance cannot have affected the amount of the bid or given a bidder an advantage or benefit). If a variance in a bid cannot have affected the amount of the bid or given the bidder an advantage not allowed other bidders, the variance is immaterial and the requirement of strict compliance may be waived. *Cypress Security v. San Francisco*, 184 Cal.App.4th 1003, 1015 (2010); *Ghilotti*, 45 Cal.App.4th at 905.

Here, Security Paving's bid is responsive. MCM's protest has no merit and should be rejected. Contrary to MCM's allegations, there is no irregularity or variance in Security Paving's bid, and certainly no irregularity or variance that would give Security Paving an advantage or benefit over other bidders. First, Security Paving's listing of Diversified on the Subcontractor List is consistent with the listing on the DBE Commitment form. The DBE Commitment form accurately lists those items of work for which Diversified is DBE Certified. Second, although Security Paving inadvertently placed a hyphen on the DBE Commitment form for the work to be performed by Tipco, Security Paving does not gain any advantage or benefit due to this clerical error. The description of work is defined as "Furnish and Drive Piling," the Tipco Proposal is consistent with the Subcontractor List, and the amount of Tipco's Proposal matches the amount stated on the DBE Commitment form. "Not complete" There is no evidence of bid shopping.

Accordingly, MCM's bid protest has no merit and should be rejected.

B. Security Paving's Listing of Diversified on the Subcontractor List and DBE Commitment Form Are Consistent

MCM's protest regarding Security Paving's listing of Diversified clearly has no merit. Diversified's subcontractor proposal matches the work identified on the Subcontractor list. Diversified's proposal plainly states that Diversified is only DBE certified for "NAICS Codes 237110, 237310, 237990." (Diversified's proposal was submitted with the DBE Commitment form and is attached hereto as Exhibit A for convenience.) Consistent with Diversified's DBE certification, Security Paving identified those scopes of work on the DBE Commitment form. Security Paving cannot claim DBE credit for work where Diversified is not DBE certified. Accordingly, the Subcontractor List and DBE Commitment form are consistent.

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Other contractors listing Diversified have taken the same approach as Security Paving. On Contract No. 11-414904, Hazard Construction Company submitted its Subcontractor List on bid day and listed Diversified for Bid Items 47-64 and 66-67. On its DBE Commitment form it listed Diversified for Bid Items 47 and 50-64. (See, Exhibit B.) Hazard Construction only identified the bid items where Diversified was DBE certified on the DBE Commitment form and Caltrans awarded that contract to Hazard Construction.

Security Paving has not engaged in bid shopping, nor has it changed or modified, in any way, the work to be performed by Diversified post-bid. MCM's allegation that Security Paving's DBE Commitment form is inconsistent with its Subcontractor List has no merit and the bid protest should be rejected. Security Paving is the lowest responsive and responsible bidder and should be awarded the contract.

C. Caltrans Can Waive Clerical Errors That Do Not Materially Affect the Bid

On bid day, Security Paving listed Tipco for Bid Item Nos. 142, 143 and 145-150. On its DBE Commitment form, Security Paving inadvertently transposed a hyphen in the bid items so that it incorrectly reads 142-150. This is a minor clerical error that does not affect the bid price, nor did it give Security Paving an advantage over MCM or any other bidder.

MCM contends that by including Bid Item No. 144 on the DBE Commitment form, that Security Paving changed the scope of work. MCM is incorrect. The hyphen in the bid items was an immaterial clerical error. The DBE Commitment form submitted by Security Paving clearly states that the scope of work to be performed by Tipco is "Furnish and Drive Piling." Further, Tipco's subcontractor proposal was submitted with the DBE Commitment form and is consistent with the Subcontractor List – it clearly states that Tipco will perform Bid Item Nos. 142, 143 and 145-150. (A copy of Tipco's proposal is attached hereto as Exhibit C for convenience.) The amount stated on the DBE Commitment form for the work to be performed by Tipco is also consistent with the amount of Tipco's proposal. Tipco's proposal does not include Bid Item No. 144. Bid Item No. 144 is for cast-in-drilled-hole concrete piling and Security Paving listed Malcolm Drilling on its Subcontractor List to perform that work. Accordingly, there is no bid shopping, there is no change to the scope of work, a simple clerical error was made.

Security Paving's clerical error does not render its bid non-responsive:

"Not every mistake on a bid is sufficiently significant to render the bid non responsive. For example, a typographical error may properly be treated as a trivial error that does not render a bid nonresponsive. [Citation Omitted.]"

DeSilva Gates Construction, LP v. Department of Transportation, 242 Cal.App.4th 1409, 1420 (2015).

MCM's protest is clearly a fishing expedition and an attempt to throw out the lowest responsive bid on a clerical error that is immaterial to the bid. MCM's conduct is not condoned by the courts:

"It certainly would amount to a disservice to the public if a losing bidder were to be permitted to comb through the bid proposal or license application of the low bidder after the fact, [and] cancel the low bid on minor technicalities, with the hope of securing

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acceptance of his [or hers], a higher bid. Such construction would be adverse to the best interests of the public and contrary to public policy. [Citations Omitted.]”

Id.

That is precisely what MCM is attempting in this situation, to have Caltrans throw out Security Paving’s bid based on a clerical error, a minor technicality that is immaterial to the amount of the bid and did not give Security Paving an advantage over MCM or any other bidder. MCM’s conduct should not be tolerated.

Indeed, Caltrans has previously determined that misplacing a hyphen on the DBE Commitment form is a clerical error that should be waived. On Contract No. 06-432604, Caltrans initially determined that the bid by Souza Construction, Inc. was non-responsive because Souza listed Safeguard Fence on the Subcontractor List to perform Bid Items 23-25, 27, 65, 68, 70, 71, and 77, however, on its DBE Commitment form, Souza identified Bid Items 23-27, 65, 68, 70, 71, 77. Souza responded, arguing that, “Instead of skipping Item 26, as was done in the Subcontractor Listing, I listed Items “23-27”. ... The inadvertent listing of Item 26 on the DBE Commitment form is a minor irregularity and is not grounds for bid rejection.” Although Caltrans rejected Souza’s bid on other grounds, Caltrans did agree that the clerical error did not render the bid non-responsive and rescinded its rejection of Souza’s bid on that ground:

“...[T]he listing on the DBE Commitment form including bid item 26 was a clerical error made by using a hyphen between items 23 and 27. Bid Item 26 was not included in the list of bid items to be performed by the Subcontractor on the Subcontractor List. Caltrans finds that Souza’s clerical error in listing bid item 26 was immaterial and can therefore be waived by Caltrans.”

(See, Exhibit D).

This is the same type of error that occurred on Security Paving’s DBE Commitment form – a hyphen was inadvertently placed between the bid items. However, as with the Souza bid, the subcontractor quote from Tipco confirms that neither Security Paving nor Tipco intended that Tipco would perform Bid Item No. 144.

There are numerous examples of Caltrans routinely waiving similar, immaterial errors in the past. For instance, on Contract No. 12-OH2254, High Light Electric protested the bid submitted by Smart Tech for listing California Professional to perform Bid Item 14 on the Subcontractor List, but California Professional identified Bid Item 15 on the DBE Commitment form. Caltrans determined the error to be immaterial to the bid and waived the error. (See, Exhibit E). On Contract No. 02-3E7714, Mercer-Fraser Company protested the bid submitted by J.F. Shea Company because the DBE Commitment form

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submitted by Shea omitted several required items. Caltrans found the deviation to be immaterial and waived the errors:

"Although the exclusion of these items may be a deviation in the bidding documents, Caltrans has determined that this is an immaterial deviation, as it does not affect the bid amount. It is, therefore, within Caltrans' discretion to waive the immaterial deviation."

(See, Exhibit F).

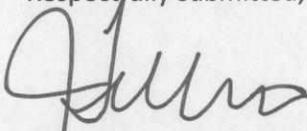
And on Contract No. 04-113204, Caltrans waived a clerical error by Valentine Corporation where it listed Neary Landscape on its Subcontractor List to perform bid items 49-58, but on its DBE Commitment form listed Nitta Erosion Control as performing bid items 15 and 50-58. In reviewing the subcontractor quotes, Caltrans found that Neary, rather than Nitta, was intended to perform bid items 49-58 and that Valentine's error in listing the wrong subcontractor was clerical and immaterial. Caltrans waived the error. (See, Exhibit G).

Security Paving's clerical error in listing Bid Item 144 on the DBE Commitment form is immaterial, does not affect Security Paving's bid or the bid amount, and did not result in an unfair advantage to Security Paving over MCM or any other bidder. As Caltrans has routinely done in the past, it should waive the immaterial clerical error on Security Paving's DBE Commitment form and award the contract to Security Paving. MCM's bid protest should be rejected.

D. Conclusion

As set forth above, MCM's bid protest has no merit and should be rejected. MCM's allegation that Security Paving's DBE Commitment form and Subcontractor List are inconsistent with respect to Diversified is ridiculous. Security Paving's DBE Commitment form properly lists those items of work for which Diversified is DBE certified. Further, Security Paving's inadvertent listing of Bid Item No. 144 for Tipco on its DBE Commitment form is an immaterial clerical error that should be waived by Caltrans. Neither Security Paving nor Tipco intended that Tipco would perform Bid Item No. 144 and Tipco's proposal is consistent with this intent. Security Paving has not engaged in any bid shopping, nor has it been afforded an unfair advantage over any other bidders. Accordingly, Security Paving is the lowest responsive and responsible bidder and should be awarded the contract.

Respectfully submitted,



Joseph Ferndino, Vice President
Security Paving Company, Inc.

Diversified Landscape Co.

21730 Burdy Canyon Road
Wildomar, CA 92595

Phone: 951-245-1686
Fax: 800-783-4197

DBE 8022 SBE 12567 Union Contractor Lic. 576183 DIR 100009249

To: Security Paving Company Inc.	Contact: Stephanie
Address: 9050 Norris Ave. Sun Valley, CA 91353	Phone: (818) 767-8418 Fax: (818) 362-9310
Project Name: 07-2159U4	Bid Number: 2943
Project Location: Route 5 At Valley View Ave., La Mirada, CA	Bid Date: 4/27/2016
Addendum #: 3	

Line #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
DBE					
44	Remove Existing Irrigation Facility	1.00	LS	\$750.00	\$750.00
95	Rock Blanket	134,000.00	SF	\$7.50	\$1,005,000.00
104	Check And Test Existing Irrigation Facilities	1.00	LS	\$1,820.00	\$1,820.00
105	Operate Existing Irrigation Facilities	1.00	LS	\$12,100.00	\$12,100.00
106	Control and Neutral Conductors	1.00	LS	\$16,100.00	\$16,100.00
107	1" Remote Control Valve	21.00	EACH	\$320.00	\$6,720.00
108	1 1/2" Remote Control Valve	9.00	EACH	\$410.00	\$3,690.00
109	2" Remote Control Valve	2.00	EACH	\$440.00	\$880.00
110	8 Station Irrigation Controller (Wall Mounted)	1.00	EACH	\$5,250.00	\$5,250.00
111	16-18 Station Irrigation Controller (Wall Mounted)	2.00	EACH	\$5,860.00	\$11,720.00
112 (F)	1" Galvanized Steel Pipe (Supply Line)	20.00	LF	\$50.60	\$1,012.00
113 (F)	2" Galvanized Steel Pipe (Supply Line)	40.00	LF	\$57.00	\$2,280.00
114	Irrigation Controller Enclosure Cabinet	3.00	EACH	\$3,190.00	\$9,570.00
115	1" Backflow Preventer Assembly	1.00	EACH	\$4,400.00	\$4,400.00
116	2" Backflow Preventer Assembly	2.00	EACH	\$4,850.00	\$9,700.00
117	Flow Sensor	3.00	EACH	\$1,170.00	\$3,510.00
118	Riser Sprinkler Assembly (Gear Driver)	120.00	EACH	\$58.90	\$7,068.00
119	Riser Sprinkler Assembly	220.00	EACH	\$35.00	\$7,700.00
120	Pop-up Sprinkler Assembly	220.00	EACH	\$40.20	\$8,844.00
121	2" Gate Valve	3.00	EACH	\$470.00	\$1,410.00
122	6" Gate Valve	1.00	EACH	\$1,350.00	\$1,350.00
123 (F)	3/4" Plastic Pipe (Schedule 40) (Supply Line)	7,025.00	LF	\$3.35	\$23,533.75
124 (F)	1" Plastic Pipe (Schedule 40) (Supply Line)	2,640.00	LF	\$3.50	\$9,240.00
125 (F)	1 1/4" Plastic Pipe (Schedule 40) (Supply Line)	2,690.00	LF	\$3.65	\$9,818.50
126 (F)	1 1/2" Plastic Pipe (Schedule 40) (Supply Line)	4,138.00	LF	\$3.80	\$15,724.40
127 (F)	2" Plastic Pipe (Schedule 40) (Supply Line)	2,604.00	LF	\$8.55	\$22,264.20
128 (F)	6" Plastic Pipe (Schedule 40) (Supply Line)	1,195.00	LF	\$30.80	\$36,806.00
129	Ball Valve	8.00	EACH	\$330.00	\$2,640.00
130	6" Welded Steel Pipe Conduit	120.00	LF	\$220.00	\$26,400.00
339	Mobilization	1.00	LS	\$11,800.00	\$11,800.00
Total Price for above DBE Items:					\$1,279,100.85

Non-DBE

17	Temporary Erosion Control Blanket	61,100.00	SY	\$3.10	\$189,410.00
19	Move In/Out Temporary Erosion Control	18.00	EACH	\$810.00	\$14,580.00
20	Temporary Mulch	3,400.00	SY	\$2.90	\$9,860.00
21	Temporary Hydraulic Mulch	3,000.00	SY	\$0.21	\$630.00
22	Temporary Soil Binder	3,000.00	SY	\$0.43	\$1,290.00
94	Roadside Clearing	1.00	LS	\$21,600.00	\$21,600.00
96	Soil Amendment	110.00	CY	\$55.70	\$6,127.00
97	Slow-Release Fertilizer	2,090.00	LB	\$2.55	\$5,329.50
98	Plant (Group H)	41,200.00	EACH	\$0.67	\$27,604.00
99	Plant (Group I)	22,200.00	EACH	\$2.25	\$49,950.00
100	Plant (Group A)	200.00	EACH	\$9.40	\$1,880.00

EXHIBIT A

Line #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
101	Plant (Group U)	64.00	EACH	\$160.00	\$10,240.00
102	Plant Establishment	1.00	LS	\$29,800.00	\$29,800.00
103	Wood Mulch	250.00	CY	\$71.60	\$17,900.00
Total Price for above Non-DBE Items:					\$386,200.50

Total Bid Price: \$1,665,301.35

Notes:

- The above prices do not include Performance and Payment Bond. Add 2% if bond is required. Due in 30 days.
- Night work is excluded.
- Import or export of soil is excluded.
- Water meters, point of connection, cost of water and hot taps are excluded.
- Electrical is excluded except for final hookup to controller.
- Cut, cap, patch and removal of concrete or asphalt is excluded.
- Traffic control is excluded.
- Excavation and compaction is excluded.
- Maintenance of temporary erosion control is excluded.
- Removal of temporary erosion control is excluded.
- Retention to be held at the same rate as Owner to Contractor.
- Pipe and wire to be installed prior to paving or hardscape.
- Installation of sleeves to be scheduled prior to compaction of subgrade or installation of any facilities above sleeve.
- 120 working day(s) required and includes 2 move-in(s). Additional move-ins=\$500 each.
- Semi-truck access is required within 200 feet for mulch work.
- Excavation for rock blanket areas not to exceed 6"
- Excavation depth for rock blanket areas must be coordinated with Diversified prior to excavation.
- Roadside clearing will be performed immediately prior to any landscape work.
- A 1% processing fee will be charged against all dollars billed into the Caltrans Oracle website if the Prime Contractor requires Diversified Landscape to manually process EWB's through "Sub Entry" in their behalf. This service will be payable to Diversified Landscape upon EWB payment from Owner to Prime Contractor.
- Mobilization to be paid evenly (50/50) over first two progress payments.
- All of the notes above to be made part of contract.
- 20 days of lane closure will be required by others.
- Proposal good for 60 days.
- Any changes, additions, deletions to this proposal must be approved by Diversified prior to bid time.
- **We are a Disadvantaged Business Enterprise (#8022) for NAICS Codes 237110, 237310, 237990.**

Payment Terms:

Payment to be made within 7 days of progress payment to contractor.

<p>ACCEPTED: The above prices, specifications and conditions are satisfactory and are hereby accepted.</p> <p>Buyer: _____</p> <p>Signature: _____</p> <p>Date of Acceptance: _____</p>	<p>CONFIRMED: Diversified Landscape Co.</p> <p>Authorized Signature: _____</p> <p>Estimator: Daniel Cano (951) 245-1686 daniel@diversifiedlandscape.com</p>
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Bidding Firm: Hazard Construction Company

List this sub? Yes

- 1) Business Name A C Dike Company
Location City Lincoln State CA
California Contractor License Number 407417
Public Works Contractor Registration Number 1000005929
Portion of Work Subcontracted:

Item #	Description
75 100	Place Type B Dike

List this sub? Yes

- 2) Business Name Perry Electric, Inc.
Location City Santee State CA
California Contractor License Number 747931
Public Works Contractor Registration Number 1000012332
Portion of Work Subcontracted:

Item #	Description
108 100	MAINTAIN EXISTING TRAFFIC MANAGEMENT SYSTEM
109 100	SIGNAL AND LIGHTING

List this sub? Yes

- 3) Business Name Diversified Landscape Co.
Location City Winchester State CA
California Contractor License Number 576183
Public Works Contractor Registration Number 1000009249
Portion of Work Subcontracted:

Item #	Description
47 100	ROADSIDE CLEARING
48 100	SOD
49 100	PLANT ESTABLISHMENT WORK
51 100	CHECK AND TEST EXISTING IRRIGATION
52 100	CONTROL AND NETURAL CONDUCTORS

Bidding Firm: Hazard Construction Company

List this sub? Yes

- 4) Business Name Diversified Landscape Co.
Location City Winchester State CA
California Contractor License Number 576183
Public Works Contractor Registration Number 1000009249
Portion of Work Subcontracted:

Item #	Description
53 100 1"	REMOTE CONTROL VALVE
54 100	SOLAR POWERED IRRIGATION CONTROLLER
55 100	CERTIFY EXISTING BACKFLOW PREVENTORS
56 100	POP UP SPRINKLER ASSEMBLY
57 100 1"	GATE VALVE

List this sub? Yes

- 5) Business Name Diversified Landscape Co.
Location City Winchester State CA
California Contractor License Number 576183
Public Works Contractor Registration Number 1000009249
Portion of Work Subcontracted:

Item #	Description
58 100 2"	GATE VALVE
59 100 1"	PLASTIC PIPE
60 100 1 1/2"	PLASTIC PIPE
61 100 2"	PLASTIC PIPE
62 100	PRESSURE REGULATING VALVE

List this sub? Yes

- 6) Business Name Diversified Landscape Co.
Location City Winchester State CA
California Contractor License Number 576183
Public Works Contractor Registration Number 1000009249
Portion of Work Subcontracted:

Item #	Description
63 100	QUICK COUPLIING VALVE
66 100	COMPOST
67 100	INCORPORATED MATERIALS

Bidding Firm: Hazard Construction Company

List this sub? Yes

- 7) Business Name Diversified Landscape Co.
Location City Winchester State CA
California Contractor License Number 576183
Public Works Contractor Registration Number 1000009249
Portion of Work Subcontracted:

Item %	Description
64 100	8" CORRUGATED HIGH DENSITY PIPE CONDUIT

List this sub? Yes

- 8) Business Name Diversified Landscape Co.
Location City Winchester State CA
California Contractor License Number 576183
Public Works Contractor Registration Number 1000009249
Portion of Work Subcontracted:

Item %	Description
50 100	DECOMPOSED GRANITE

List this sub? Yes

- 9) Business Name Hurricane & Poway Fence Co., Inc.
Location City Ramona State CA
California Contractor License Number 891123
Public Works Contractor Registration Number 1000011357
Portion of Work Subcontracted:

Item %	Description
26 15	TREATED WOOD WASTE - MBGR ONLY
28 100	REMOVE FENCE
30 100	REMOVE GUARDRAIL
95 100	CHAIN LINK FENCE (TYPE CL-6)
97 100	GUARD RAILING DELINEATOR

STATE OF CALIFORNIA-DEPARTMENT OF TRANSPORTATION
DBE COMMITMENT

Low Bidder

OE-0102.10D (REV 12/2014)

CONTRACT NO:

11-414904

BID AMOUNT:

3,664,645.00,

BID OPENING DATE:

1/13/2016

BIDDER'S NAME:

HAZARD CONSTRUCTION COMPANY

DBE GOAL FROM CONTRACT (%):

14%

DBE PRIME CONTRACTOR CERTIFICATION ¹ :	TOTAL NUMBER OF ALL SUBCONTRACTS (DBE & NON-DBE)	TOTAL VALUE OF ALL SUBCONTRACTS (DBE & NON-DBE)
N/A	9	\$602,025.43

BID ITEM NO.	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED ²	WORK CATEGORY CODES ³	NAME OF DBEs (Must be certified on the date bids are opened. Include Caltrans' certification #, DBE address and phone number. Show 2nd and lower tier subcontractors)	AMOUNT (\$)
1(P),7,8,10,31-33,102-107	Lead Plan (Portion), Remove Stripe, Striping	C8405,C8406,C8501	#102 Payco Specialties Inc. 102 N Second St, Chula Vista CA. 91910 619-427-1620	\$82,431.00
26,28,30,95,97-101,39	Treated Wood Waste, Remove MBGR, Midwest MBGR, Fence Work	C8320, C8000	#48 Hurricane & Poway Fence 209 Tenth Street, Ramona CA. 92065 760-789-4142	\$43,567.98
4,6,9,11(P)	Portable Changeable Message Signs (Portions), CAS, Type 3 Barricades, Plastic Drums	C1201,C1210	#38078 Maneri Traffic Control 47423 Rainbow Canyon, Temecula CA. 92028 951-895-5104	\$26,270.00
15	Prepare SWPPP	C8852	#36931 Terra West Inc 1061 Tierra del Ray #204 Chula Vista CA. 91910 619-591-1007	\$2,150.00
90(P)	Provide RipRap Rock	C0626	#14054 Rock Structures 11126 Silverton Ct Corona CA. 92881 951-371-1112	\$1,188.00
70(P),71(P),72(P)	Furnish Oil & Transport Oil	C0624	#38327 LMS Transport 2751 Avalon St. Jurupa Valley CA 92509 951-616-3828	\$109,229.00

Show all DBE firms being claimed for credit, regardless of tier. Attach written confirmation from each DBE shown stating that it will be participating in the Contract to perform the specific work shown for the specific amount agreed to.

Total Claimed Participation

\$

Continued Next Page

The names of the 1st tier DBE subcontractors and items of work must be consistent with the

Subcontractor List (Pub. Cont. Code 4100 etseq.) enter its certification number and show all work

- Each DBE prime contractor must enter its certification number and show all work to be performed by DBE's, including work performed by its own forces.
- If 100% of an item is not to be performed or furnished by the DBE, describe the exact portion of item to be performed or furnished.
- Use Work Category Codes from the California Unified Certification Program database.

Continued On Next Page

Signature of Bidder

Jason A. Mordhorst, President

January 18, 2016

Date

(858) 587-3600

(Area Code) Tel. No.

Dale Yeager

Person to Contact

(Type or Print Name)

STATE OF CALIFORNIA-DEPARTMENT OF TRANSPORTATION
DBE COMMITMENT
 E-0102.10D (REV 12/2014)

CONTRACT NO: 11-414904
BID AMOUNT: 3,664,645.00,
BID OPENING DATE: 1/13/2016
BIDDER'S NAME: HAZARD CONSTRUCTION COMPANY
DBE GOAL FROM CONTRACT (%): 14%

DBE PRIME CONTRACTOR CERTIFICATION ¹ :	TOTAL NUMBER OF ALL SUBCONTRACTS (DBE & NON-DBE)	TOTAL VALUE OF ALL SUBCONTRACTS (DBE & NON-DBE)
N/A	9	\$602,025.43

BID ITEM NO.	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED ²	WORK CATEGORY CODES ³	NAME OF DBEs (Must be certified on the date bids are opened. Include Caltrans' certification #, DBE address and phone number. Show 2nd and lower tier subcontractors)	AMOUNT (\$)
78(P)	Structural Concrete, Pre Cast All	C0670,C0600,C0651	#820 G & C Equipment Corp 1875 W Redondo Blvd. Gardena CA. 90247 310-515-6715	\$131,331.45
47, 50-64	Roadside Clearing, Irrigation	C2065,C1901, C1910	#8022 Diversified Landscape Co. 21730 Bundy Canyon Rd. Wildomar CA 92595 951-245-1686	\$70,490.35
75(P)	Place AC Dike	C3940	#219 A C Dike Company 2788 Venture Dr Lincoln CA 95648 916-852-0159	\$4,221.00
9, 65	Temp Hydrolic Mulch, Erosion Control BFM	C2030, C2066	#5516 Quality Hydroseeding & Restoration 2013 Orange Ave, Ramona CA. 92065 760-789-8040	\$36,964.60
45(P),46(P),68(P)	Portions Dust Palliative, Roadway Ex, Class 2 Base (Truck Rentals)	C9771	#37077 J McBride Trucking 9914 Cleary Street Santee CA 92071 619-258-9778	\$48,492.00

Show all DBE firms being claimed for credit, regardless of tier. Attach written confirmation from each DBE shown stating that it will be participating in the Contract to perform the specific work shown for the specific amount agreed to.

Total Claimed Participation \$ 556,335.38
 15.18%

The names of the 1st tier DBE subcontractors and items of work must be consistent with the Subcontractor List (Pub. Cont. Code 4100 etseq.) enter its certification number and show all work

- Each DBE prime contractor must enter its certification number and show all work to be performed by DBE's, including work performed by its own forces.
- If 100% of an item is not to be performed or furnished by the DBE, describe the exact portion of item to be performed or furnished.
- Use Work Category Codes from the California Unified Certification Program database.

Signature of Bidder Jason A. Mordhorst, President
 Date January 18, 2016 (858) 587-3600 (Area Code) Tel. No.
 Person to Contact Dale Yeager (Type or Print Name)

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 445-1233, TTY 711 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA



TIPCO
ENGINEERING INC.

425 E. Redondo Beach Blvd
Gardena, CA 90248
Lic# 928364
Certified DBE Firm ID No. 37925

OFFICE (310) 515-6579

Revised

FAX (866) 623-8349

Final

SUBCONTRACT PROPOSAL

To: Estimator

Bid Date 4/27/2016

Project: Caltrans Contract 07-2159U4 – Route 5Artesia Blvd to North Fork Coyote Creek

Prepared By: Kevin Tipton

Item	Description	Unit	Quantity	Unit Price	Price
142	Furnish 24" Steel Piling	LF	84,442	\$ 65.00	\$ 5,488,730.00
143	Drive 24" Steel Piling	EA	1,562	\$ 1,050.00	\$ 1,640,100.00
145	Furnish Piling (Class 90 Alt. W)	LF	34,314	\$ 35.00	\$ 1,200,990.00
146	Drive Pile (Class 90 Alt. W)	EA	669	\$ 1,001.00	\$ 669,669.00
147	Furnish Piling (Class 140 Alt. W)	LF	28,001	\$ 38.00	\$ 1,064,038.00
148	Drive Pile (Class 140 Alt. W)	EA	476	\$ 1,050.00	\$ 499,800.00
149	Furnish 24" CISS Concrete Piling	LF	9,387	\$ 65.00	\$ 610,155.00
150	Drive 24" CISS Concrete Piling	EA	242	\$ 3,000.00	\$ 726,000.00
Base Price					\$ 11,899,482.00

Our price is based on the following conditions and our general conditions, which are attached.

Terms and Conditions

Included in our proposal are:

1. **Bondable (1.00%) Union Contractor signatory to Pile Drivers and Operating Engineers.**
2. Two (2) Crane mobilizations to complete all work on the project.
3. Driving system submittal, Pile cut offs, debris disposal, Dowels Holes Cut, Predrilling.
4. Drill-out/clean-out, Placing of reinforcing cage provided by others, Furnish & place concrete for all CISS piles. (If guying of cage is needed, contractor shall guy off cage).

Specifically Excluded from our proposal are:

5. All engineering, excavation, shoring unless otherwise noted, spoil removal, backfill, Dowels, QCP/Third Party Inspection, drawings, or pile driving records. Truck crane and pile handling equipment access to/between each location. WQCP, Welding Inspection, Traffic Control, Lighting, K-rail Removal, Noise Monitoring, Vibration or movement monitoring of adjacent

EXHIBIT C

- structures, Spoil Removal.Etc. Furnish and placement of any minor concrete as void filler.
6. Any hazardous waste management, disposal, or liability.
 7. Any removal of contaminated water inside of CISS Piles.
 8. Furnish, maintenance & removal of all concrete washout facilities.

Unless otherwise noted, all terms and conditions in this proposal shall become an attachment (Exhibit "A") to any contract, which references the work in this proposal. In the event of any conflict between any one or more of the provisions in this proposal and the provisions of the Contract, the provisions of this proposal shall supersede and prevail.

1. Prime Contractor/Owner shall provide at NO cost to Tipco Engineering, Inc.:
 - a) Locating and removing belowground obstructions that interfere with pile installation and de-energize electric lines to conform to all safety regulations.
 - b) Excavation dewatering.
 - c) Public safety measures including but not limited to traffic control, delineation and barricading of the job site, barricading and/or fencing for excavations.
 - d) Excavation at pile location required in plans and specifications completed before pile driving.
 - e) Establishing and maintaining surveying for pile layout and pile cut-off elevations.
 - f) Shoring and sloping for excavations in accordance with OSHA and approved by Tipco.
 - g) Protection of property from diesel hammer spray and exhaust.
 - h) Minimum distance of 36 inches from pile center to shoring or other obstructions.
 - i) Protection of utilities, structures, improvements, and property from damages due to ground heave, soil movements, or vibrations generated by pile installation.
 - j) Removal and disposal of pre-drill spoils and pile cutoffs unless noted otherwise.
 - k) Provide on-site storage area for the project materials.
 - l) Provide all weather level access, minimum 25 feet wide that allows pile driving and pile moving equipment within 30 feet of all piles.
2. Prices are based on the following:
 - a) Pile driving performed during eight hour, daytime shifts, Monday through Friday.
 - b) Reimbursement to Tipco for all costs associated with delays, out-of sequence moves, and extra work caused by obstructions.
 - c) Two mobilization and demobilization for one pile driving set up. Each additional mobilization/demobilization charged at \$30,000.00
 - d) Pile driving in one continuous operation with sequence mutually agreed upon for each mobilization.
 - e) Standby for crew and equipment charged at \$875 per hour.
 - f) Standby for equipment at site with no crew present charged at \$1250 per day.
 - g) Tipco General Liability insurance coverage of \$1,000,000 each occurrence and \$2,000,000 aggregate. Special agreements, waivers, or additional coverage's will be an additional cost.
 - h) Pile driving schedule shall be mutually agreed upon before mobilization.
 - i) If noise reduction requires equipment modifications, delays, or any changes in our pile driving operation, Tipco shall be reimbursed for costs incurred.
3. Prices do NOT include the following:
 - a) Payment or Performance bonds.
 - b) Any inspection associated with piles.
 - c) Reports, as-built drawings, pile driving records, engineering or design.
 - d) Furnishing/installing rebar dowels or pile anchors, bending of extended rebar unless noted otherwise.
 - e) Hold-harmless agreements.
 - f) Working on mats.
 - g) Permits of any kind except hauling.
 - h) Railroad insurance.
 - i) Using a follower to drive pile top below surface.
 - j) Sound, vibration or ground movement measurement.
4. Payment:
 - a) Payment of 90% of work completed the preceding month shall be received by the 15th of the following month, and full payment (including retention) to be received within 60 days after substantial completion of work performed by Tipco.
 - b) Late payments are subject to a 2% per month charge.No Retention on Material Payments.

This quote is firm for 30 days at which time it is void. Based on today's material cost. Escalations or Reductions will apply at time material is released for purchase.

Respectfully submitted,

Accepted by,

Kevin Tipton
Estimator
310-993-7005 Cell

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER
P.O. BOX 168041, MS-43
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6299
FAX (916) 227-6282
TTY 711
www.dot.ca.gov



*Serious drought.
Help save water!*

December 9, 2014

Facsimile: (805) 546-8287

Steve Souza, President
Souza Construction, Inc.
P. O. Box 3810
San Luis Obispo, CA 93403

06-432604
06-Fre-33-10.9/11.1
B.O. 11/6/14

Dear Mr. Souza:

The Department of Transportation (Caltrans) received a letter dated November 21, 2014, from Souza Construction, Inc. (Souza) protesting the nonresponsive bid finding for Contract No. 06-432604 on November 20, 2014.

Caltrans reviewed the bid documents and the protest and determined that although the Disadvantaged Business Enterprise (DBE) Commitment form submitted by Souza identified Safeguard Fence to perform bid items 23-27, 65, 68, 70, 71, 77 (portion), the DBE submittal and quotes, and the 24 hour Subcontractor List form confirm that Souza did not intend for Safeguard Fence to perform bid item 26, nor did Safeguard Fence intend to perform bid item 26 and the listing on the DBE Commitment form including bid item 26 was a clerical error made by using a hyphen between items 23 and 27. Bid item 26 was not included in the list of bid items to be performed by the Subcontractor on the Subcontractor List. Caltrans finds that Souza's clerical error in listing bid item 26 was immaterial and can therefore be waived by Caltrans.

In addition to item above, Caltrans also received a letter from MCM Construction, Inc. (MCM) dated December 1, 2014, protesting the bid submitted Souza. The protest alleges that Souza expanded the scope of work of for Betancourt Bros Electric Construction by adding bid item 76 (Roadside Weather Information System) to work described on bid day as Temp Signal. In addition, also identified Statewide Safety & Signs to perform work described as Signs and Markers, and included bid items 6 and 11 (Channelizer (Surface Mounted) and Temporary Crash Cushion Module).

As the protest pertains to Betancourt, Caltrans determined that Souza included work that was not related to the bid item "Temporary Signal" and temporary signal is not inclusive of bid item 76, Roadside Weather Information System.

As the protest pertains to Statewide Safety & Signs, bid items 6 and 11 are covered under the 2010 Revised Standard Specifications, Section 12 Temporary Traffic Control and as such, are not considered signs and markers.

Mr. Souza
December 9, 2014
Page 2

Based on the above, it remains the finding of Caltrans that the bid submitted by Souza is nonresponsive.

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

Sincerely,



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



November 21, 2014

Mulissa Smith
Department of Transportation
Contract Awards
PO Box 168041, MS-43
Sacramento, CA 95816

RE: Contract No. 06-432604
Response to Nonresponsive Bid Finding

Dear Ms. Smith,

We are in receipt of your November 20, 2014 letter, stating that our bid is nonresponsive. We correctly listed Safeguard Fence (a DBE) as a subcontractor for the items associated with Fence and Guard Railing (*see Attachment "A"*). We also listed Safeguard Fence in our DBE Commitment for those items (*see Attachment "B"*). In our DBE Commitment form, we inadvertently listed Safeguard Fence for Item 26; Remove Sheet Pile Wall, an item that they did not even quote and Souza was self performing, as shown in their quote which was attached to the commitment as required "written confirmation." Instead of skipping Item 26, as was done in the Subcontractor Listing, I listed Items "23-27". Souza does not intend to subcontract Item 26 to Safeguard Fence or any other subcontractor, as represented on our Subcontractor Listing.

During our conversation this afternoon, you questioned the hand written "65,000" number listed above Safeguard's Total Bid price. That number was simply a bid comparison to ACE Fence Company's, an earlier bid that was no longer low. Our DBE Commitment accurately reflects the Total Bid of Safeguard Fence at \$53,846.10 (*see Attachment "C"*).

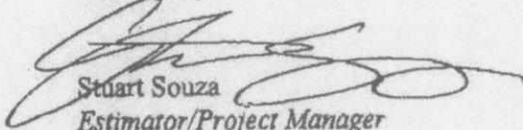
The inadvertent listing of Item 26 on the DBE Commitment form is a minor irregularity and is not grounds for bid rejection. It is fully within the power of Caltrans to waive any "irregularity" in our bid, so long as it does not give Souza any competitive advantage. A competitive advantage means we could withdraw our bid without forfeiting our bond pursuant to Public Contract Code § 5103. The inadvertent listing of Safeguard Fence on the DBE Commitment form, where the quote provided by Safeguard demonstrated the actual scope of work they are to perform and the Subcontractor List accurately reflected the work of Safeguard, does not constitute the type of mistake for which relief could be obtained by Souza under § 5103 as it did not make the bid

Souza Construction, Inc.
General Engineering Contracting
P.O. Box 3810
San Luis Obispo, CA 93403
805/546-8288
Fax 805/546-8287

"materially different than [we] intended it to be." § 5103(c). As such, Caltrans should treat this inadvertence for what it is; an immaterial irregularity in the bid document that should be waived. This principle was reaffirmed by the courts just this year in *Bay Cities Paving & Grading, Inc. v. City of San Leandro*, (2014) 223 Cal.App.4th 1181. See also, *Menefee vs. County of Fresno*, (1985) 163 Cal.App.3rd 1175; *Ghilotti Construction vs. City of Richmond*, (1996) 45 Cal.App.4th 897.

Please reconsider your finding that Souza's bid is nonresponsive.

Thank you,



Stuart Souza
Estimator/Project Manager
Souza Construction, Inc.

Attachment "A" Subcontractor List

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
Contract No.: 06-432604 Project ID: 0600020388
Bidder Name: Souza Construction, Inc.
List this sub? Yes

Bidder ID: VC0000015921

4) Business Name Safeguard Fence
Location City Corona State CA
California Contractor License Number (a) 849895
Description of Portion of Work

Fence and Guard Rail
Bid Item Numbers 23, 24, 25, 27, 65, 68, 70, 71

Percentage of Bid Item Subcontracted 100%

Bid Item Numbers 77

Percentage of Bid Item Subcontracted 2.7%

Bid Item Numbers

Percentage of Bid Item Subcontracted

Bid Item Numbers

Percentage of Bid Item Subcontracted

Bid Item Numbers

Percentage of Bid Item Subcontracted

List this sub? Yes

5) Business Name Statewide Safety & Signs
Location City Fresno State CA
California Contractor License Number (a) 975518
Description of Portion of Work

Signs and Markers
Bid Item Numbers 2, 6, 11, 66, 67

Percentage of Bid Item Subcontracted 100%

Bid Item Numbers

Percentage of Bid Item Subcontracted

Nov. 21. 2014. 11:20AM

Received

Nov 21 2014 11:20am

No. 0050 P. 4/6

SOUZA CONSTRUCTION INC

CALIFORNIA DEPARTMENT OF TRANSPORTATION

No.: 06-432604 Project ID: 0600020388

Name: Souza Construction, Inc.

Bidder ID: VC0000015921

TRANS BIDDER - DBE - COMMITMENT

ES-OE-0102.10C (NEW 6/2012)

Attachment "B" DBE Commitment

Bid Item No.

23-27, 65, 68, 70, 71, 77 (Portion)

Item of work and description of services to be subcontracted or materials to be provided.

TWW, Remove Fence & GR, Install Fence & GR

FOR CALTRANS USE ONLY

Name of DBEs (Must be certified on the date bids are opened - include Caltrans certification #, DBE address and phone number)

(Indicate 2nd and lower tier subcontractors)

Safeguard Fence, DBE Cert # 36311

2745 N Locust Ave, Rialto, CA 92376

(949)678-7331

Dollar amount DBE 53,846.10

Bid Item No.

49, 50

Item of work and description of services to be subcontracted or materials to be provided.

Furnish and Drive CISS Piling

FOR CALTRANS USE ONLY

Name of DBEs (Must be certified on the date bids are opened - include Caltrans certification #, DBE address and phone number)

(Indicate 2nd and lower tier subcontractors)

Tipco Engineering, DBE Cert # 37925

125 E Redondo Beach Blvd, Gardena, CA 90248

(310)515-6579

Dollar amount DBE 503,525.00

Bid Item No.

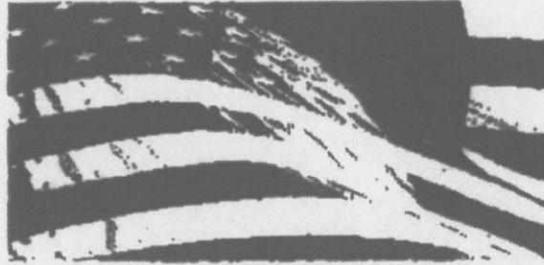
Item of work and description of services to be subcontracted or materials to be provided.

FOR CALTRANS USE ONLY

Name of DBEs (Must be certified on the date bids are opened - include Caltrans certification #, DBE address and phone number)

(Indicate 2nd and lower tier subcontractors)

Dollar amount DBE



Listed
 @ 1:30

648 GREENGATE ST. CORONA, CA. 92879 SAFEGUARD FENCE (951)-741-0854 office (951)-281-5144 fax
 C-33 LICENSE # 849885

BID DATE: 6-Nov-14
 RFP/CONTRACT# 06-462504
 LOCATION: Rte. 33, Fresno county, Coalinga
 ADDENDUMS: #1

ABD ✓

ITEM #	DESCRIPTION	Qty	UM	Unit Price	Extension
23	Treated Wood Waste	6860	LF	\$ 0.44	\$ 3,018.40
24	Remove Fence (Type BW)	870	LF	\$ 4.41	\$ 3,836.70
25	Remove Fence (Type WM)	320	LF	\$ 5.20	\$ 1,664.00
27	Remove Guardrail	720	LF	\$ 5.50	\$ 3,960.00
65	Fence (BW, Metal Post)	810	LF	\$ 8.20	\$ 6,642.00
68	Midwest Guardrail	140	LF	\$ 34.75	\$ 4,865.00
70	Transition Railing (Type WB-31)	4	EA	\$ 3,900.00	\$ 15,600.00
71	Alternative Flared Terminal system	4	EA	\$ 2,940.00	\$ 11,760.00
77	Mobilization	1	LS	\$ 2,500.00	\$ 2,500.00

65,000

TOTAL BID \$ 53,846.10

NOTE 1: If Bonds will be required; Safeguard will need help in obtaining them.

EXCLUSIONS
SURVEY, STAKING, GRADING, CLEARING, GRUBBING, GROUNDING, POT HOLING, CONCRETE WORK, BONDS,
BOND and PERMIT FEES, LIABILITY FOR UTILITIES NOT MARKED BY DIS ALERT, ENGINEERING, PAINTING
ANCHOR BLOCK FOR WB TRANSITIONS AND CRASH CUSHIONS/ATTENUATORS, CONCRETE FLAT WORK
WAIVER OF SUBRIGATION

WE ARE A CERTIFIED DBE, WBE

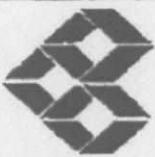
Prepared by: Mike Williams

Mike Williams, Partner, Safe Guard Fence
 951-741-0854 cell
 951-281-5144 fax
 mike.safeguardfence@outlook.com

Colo

Attachment "C"

Flagged @ 12:30



ACE FENCE COMPANY

727 NORTH GLENDORA AVENUE, LA PUENTE, CA 91744
 PHONE (826) 333-0727 * FAX (826) 333-7843

CERTIFIED AS DBE/DBES/DBE/WBE FIRM, UNION COMPANY, LACMTA Pre-Qualified to Bid
 "Awarded Minority Contractor of the Year by the City of Los Angeles for Excellence in Quality and Services"
 "We Are An Equal Opportunity Employer"

FAX QUOTE

TO : General Contractors
 FAX # :
 FROM : Michael Abarilla
 PROJECT : CADDY Replace Bridge, Reconstruct Roadway and Install RSP (Contract No. 06-432604)
 From 0.1 Mile West to 0.1 Mile East of Jocalitos Creek Bridge, Near Coalings, In Fresno Co., CA
 BID DATE : 11/06/14 2:00 P.M.
 SPECS : per 2010 CALTRANS Plans & Specs
 ATTN : Estimator
 DATE : 11/05/14
 PAGES : 1
 ADDENDUM: 1

ITEM	DESCRIPTION	Unit	Qty	Unit Price	Amount
Proposal as follows:					
23	TREATED WOOD WASTE	LB	6,880	\$ 0.35	\$ 2,400.00
24	REMOVE FENCE (TYPE BW)	LF	870	\$ 8.00	\$ 6,960.00
25	REMOVE FENCE (TYPE WM)	LF	320	\$ 10.50	\$ 3,360.00
27	REMOVE GUARDRAIL	LF	710	\$ 12.00	\$ 8,520.00
65	FENCE (TYPE BW, METAL POST)	LF	810	\$ 12.00	\$ 9,720.00
68	MIDWEST GUARDRAIL SYSTEM (STEEL POST)	LF	140	\$ 42.00	\$ 5,880.00
70	TRANSITION RAILING (TYPE WB 31)	EA	4	\$ 4,450.00	\$ 17,800.00
71	ALTERNATIVE FLARED TERMINAL SYSTEM	EA	4	\$ 2,600.00	\$ 10,400.00
TOTAL BID AMOUNT:					\$ 65,040.00

- * ITEM # 70 - CONCRETE BARRIER, CORE DRILLING & PIPE SLEEVES IS NOT INCLUDED, BY OTHERS.
- * THIS PROPOSAL IS BASED ON PAID PREVAILING WAGES AND CERTIFIED PAYROLL.
- * PLEASE REFER TO NOTES & EXCLUSIONS BELOW. IF YOU HAVE QUESTIONS PLEASE CALL.

NOTE: PROPOSAL IS AS A PACKAGE UNLESS DISCUSSED PRIOR TO BID. OUR PROPOSAL IS PER LINE ITEM & NOT LUMP-SUM UNLESS IT STATES OTHERWISE. AWARD MUST HAPPEN WITHIN 60 DAYS. COPY OF ACE FENCE COMPANY'S BID TO BE PART OF THE FINAL CONTRACT AGREEMENT. COPY OF GENERAL & PERFORMANCE BONDS TO BE ATTACHED TO THE CONTRACT AGREEMENT.

EXCLUDE: DELINEATORS; STAINING & PAINTING; CONCRETE CURB, BARRIER, SLAB, MINOR CONCRETE OR ANY CONCRETE WORKS; VEGETATION CONTROL; DEMOLITION; CLEARING & GRUBBING; REMOVAL OF EXISTING VEGETATION OR ANY OBSTRUCTIONS; EXTRA DIRT FOR BACKFILLING; GRADING; STAKING & LAY-OUT; ROCK DRILLING, CONCRETE CUTTING, BREAKING & CORE DRILLING; PAVEMENT REPAIR OR ASPHALT PATCHING; POTHOLING OR LOCATING UTILITIES; MAINTENANCE OR REPAIR TO DAMAGES CAUSED BY OTHERS & TO UNMARKED UTILITY LINES; GROUNDING & ELECTRICAL WORKS; ENGINEERING OR STRUCTURAL CALCULATIONS; SURVEYS FOR ALIGNMENT & ELEVATIONS; COSTS FOR INSPECTIONS & TESTING; BOND COST; SWPPP; BEST MANAGEMENT PRACTICES; ASBESTOS & LEAD COMPLIANCE PLAN & ANY RELATED WORKS; PERMITS/FEES; DUST CONTROL; K-RAILS; TEMPORARY FENCING & SAFETY RAILING; TRAFFIC CONTROL, LIGHTING & SIGNS; FLAGMEN; LANE CLOSURE; HAULING OF SPOILS (spoils from our excavation are to be scattered in the immediate vicinity of our work, relocation of spoils will be considered a change order)

INSURANCE: GENERAL LIABILITY - \$ 1,000,000 - \$ 2,000,000 AGGREGATE; AUTOMOBILE - \$ 1,000,000; WORKMAN COMPENSATION - \$ 1,000,000. OCP / CCIP PROJECTS - WC'S PREMIUMS ALREADY DEDUCTED. ADDITIONAL INSURANCE REQUIREMENTS ARE SUBJECT TO EXTRA PREMIUMS.

LICENSE # A, B & C-13 # 988577, EXP. 9-30-2016 - UNION
 SUBJECT TO ACCEPTANCE WITHIN 30 DAYS

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



*Serious Drought.
Help save water!*

January 20, 2016

Facsimile: (951) 352-5595

Erwin Mendoza, President
High-Light Electric, Inc.
P.O. Box 7339
Riverside, CA 92513

12-0H2254
12-Ora-73-26.1/28.0
B.O. 12/3/2015

Dear Mr. Mendoza:

The Department of Transportation (Caltrans) received letters dated December 17, and 23, 2015 and January 7, and 18, 2016, from High-Light Electric, Inc. (HLE), protesting the bid submitted by Smart Tech Group (Smart Tech). The protests allege that Smart Tech submitted a late Bidder's Security and that Caltrans rescinded its initial nonresponsive finding due to shippers handling. ~~The protest further alleges that on its Subcontractor's List and Disadvantaged Business Enterprise (DBE) Commitment forms, Smart Tech listed California Professional (CP) to perform bid item 14 (Communication System); however, on the quote and written confirmation form, CP was identified as performing bid item 15 (Closed Circuit Television System).~~

Caltrans has reviewed the bid documents submitted by Smart Tech, as well as, the protests and does not agree that the bid submitted by Smart Tech is non-responsive. Caltrans received an affidavit from Fed Ex forwarded by Carla Laszewski, Lead Counsel, Employment Law Group, Federal Express confirming that delivery of Smart Tech's Bidders Bond was delayed as a result the plane on which this package traveled to the FedEx Memphis Hub arrived late which caused the package to miss its departure flight and delaying delivery of the package. Based on the affidavit submitted by FedEx, Caltrans has determined that Smart Tech sent its Bidders Bond in a timely manner to ensure delivery to Caltrans prior to bid opening and that the circumstances delaying delivery were beyond the control of Smart Tech. It is Caltrans' determination that had Smart Tech failed to abide by its bid, the Bidders Bond would have been in place for Caltrans to collect on. Therefore, any discrepancy created by the delayed delivery of the Bidders Bond under these particular circumstances did not give Smart Tech a competitive advantage and is therefore an immaterial discrepancy that can be waived by Caltrans at its discretion.

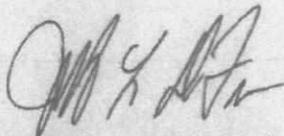
~~As the protest pertains to bid item 14, Smart Tech properly identified bid item 14 on bid day and on the DBE submittal. The discrepancy occurred on the commitment form submitted by California Professional Engineering and Caltrans can only assume that the DBE firm, erred in identifying the bid item number it was performing. This error is immaterial to the bid and does not provide an unfair competitive advantage to Smart Tech. Therefore, Caltrans can waive the error.~~

Mr. Mendoza
January 20, 2016
Page 2

Based on the above, Caltrans finds that this protest will have no bearing on the award of this contract and will proceed to award the contract to the lowest responsible bidder, provided that all requirements have been met.

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

Sincerely,



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

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
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*Serious drought.
Help save water!*

May 7, 2015

Facsimile: (707) 443-0277

Justin Zabel, President
Mercer-Fraser Company
P.O. Box 1006
Eureka, CA 95502

02-3E7714
2-Tri-299-36.9/53.5
B.O. 4/8/15

Dear Mr. Zabel,

The Department of Transportation (Caltrans) received a letter dated April 27, 2015, from Jennifer L. Dauer of Diepenbrock Elkin LLP on behalf of Mercer-Fraser Company (Mercer-Fraser) in response to a bid protest from J.F. Shea Construction, Inc. (J.F. Shea). The protest alleges that Mercer-Fraser submitted an incomplete Disadvantaged Business Enterprise (DBE) Commitment form that excluded information, specifically, the total number of all subcontracts (DBE & Non DBE), the total value of all subcontracts (DBE & Non DBE) and the work category codes.

Although the exclusion of these items may be a deviation in the bidding documents, Caltrans has determined that this is an immaterial deviation, as it does not affect the bid amount. It is therefore, within Caltrans' discretion to waive the immaterial deviation.

As such, Caltrans finds that the protest by J.F. Shea is without merit and Mercer-Fraser's bid is not non-responsive as alleged by J.F. Shea.

Based on the above, Caltrans will proceed to award this contract to the lowest responsible bidder, provided that all requirements have been met.

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

cc: Jennifer L. Dauer

DEPARTMENT OF TRANSPORTATION
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December 8, 2015

Facsimile: (415) 457-5820

Robert O. Valentine, President
Valentine Corporation
111 Pelican Way
San Rafael, CA 94901

04-1J3204
04-Son-116-13.7
B.O. 10/29/15

Dear Mr. Valentine:

The Department of Transportation (Caltrans) is rescinding its letter, dated November 13, 2015, finding Valentine Corporation (Valentine) bid on contract 04-1J3204 non-responsive because of an inconsistency found in the Subcontractor List and the Disadvantaged Business Enterprise (DBE) Commitment form. Valentine requests that Caltrans reconsider the nonresponsive bid finding.

Caltrans conducted a secondary review of the bid documents and confirmed that on the Subcontractors List form Valentine identified Neary Landscape (Neary) as performing bid items 49-58. However, on the DBE Commitment form, Valentine erred and listed Nitta Erosion Control (Nitta) as performing bid items 15, and 50-58. Nitta was listed in the bid, on the Subcontractors List form as performing bid items 15, 59-65, and the quote from Nitta dated October 29, 2015, lists these same items. Since, Caltrans does not require a quote from the listed subcontractors, Valentine did submit as proof the quote from Neary which clearly indicates that the work being performed is bid items 49-58. Caltrans finds that this is an inadvertent clerical error is immaterial and does not provide an unfair advantage to Valentine. Therefore, this error can be waived by Caltrans.

Based on the above, Caltrans rescinds its original nonresponsive bid finding and will proceed to award this contract to the lowest responsible bidder provided that all requirements have been met.

Sincerely,

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