

**DEPARTMENT OF TRANSPORTATION**  
DIVISION OF ENGINEERING SERVICES  
OFFICE ENGINEER  
1727 30<sup>th</sup> STREET, MS-43  
SACRAMENTO, CA 95816-8041  
PHONE (916) 227-6195  
FAX (916) 227-6282  
www.dot.ca.gov/hq/esc/oe



*Flex your power!  
Be energy efficient!*

September 23, 2013

Facsimile: (800) 750-9094

Makana Amer, President  
YAKAR  
113 E Arrow Hwy  
San Dimas, CA 91773

07-2768U4  
07-LA-210-R0.8/R4.9  
B.O. 08/08/2013

Dear Mr. Amer:

The Department of Transportation (Caltrans) received a letter submitted by YAKAR for Contract 07-2768U4 dated August 8, 2013, protesting a non-responsive finding.

Caltrans receives many bids in response to its Highway Construction contracting needs. Each bid is accepted based on the face of the bid. Once a bid is submitted it cannot be changed. Unfortunately, the Disadvantage Business Enterprise (DBE) commitment form and the Subcontractors List form was not consistent.

As you are aware, the Caltrans Bidder-DBE-Commitment form states in part... "DBE Subcontractors and their respective item(s) of work listed above must be consistent, where applicable, with the names and items of work in the "Subcontractors List" submitted with your bid."

Based on the above explanation, Caltrans has not changed its position finding YAKAR's bid non-responsive and will proceed to award this contract to the lowest responsible bidder provided that all requirements are met.

If you have any questions, please contact Mulissa Smith, Contract Awards Branch Chief, 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



August 19, 2013

Department of Transportation  
Division of Engineering Services  
Office Engineer, MS 43  
1727 30<sup>th</sup> St.  
Sacramento, CA 95816

Project: 07-2768U4  
07-LA-20-RO.8/R4.9  
B.O. 08/08/2013

Re:

Dear Mr. McMillan,

YAKAR is in receipt of your correspondence dated August 16, 2013, and is requesting Caltrans to re-review YAKAR's bid package and to extend the award to validate Caltran's nonresponsive findings.

Caltrans indicated there are inconsistencies listed in its Subcontractors List from and DBE Commitment form, in no way these inconsistencies provide YAKAR with an advantage in the bid, thus, should not be taken into consideration for a minor clerical inaccuracy, or to be considered nonresponsive.

YAKAR request Caltrans to reconsider and re-evaluate YAKAR's bid as a responsible bidder.

Should you have any questions, please contact me.

Joseph K.  
909-599-1612  
Office Manager

**DEPARTMENT OF TRANSPORTATION**

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER, MS 43

1727 30<sup>th</sup> 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!*

August 16, 2013

Facsimile: (800) 750-9094

Makana Amer, President

07-2768U4

Yakar

07-LA-210-R0.8/R4.9

113 E Arrow Hwy

B.O. 08/08/2013

San Dimas, CA 91773

Dear Mr. Amer:

The Department of Transportation (Caltrans) received a bid submitted by Yakar for Contract No. 07-2768U4 on August 08, 2013. By this letter, Caltrans notifies Yakar that its bid is nonresponsive because of inconsistencies listed in its Subcontractors List form and DBE Commitment form.

*The Caltrans Bidder-DBE-Commitment form states in part... "DBE Subcontractors and their respective item(s) of work listed above must be consistent, where applicable, with the names and items of work in the "Subcontractors List" submitted with your bid."*

Yakar submitted its DBE Commitment form listing LSS to perform Bid Item 8, described as Temporary Mulch and Bid Item 16, described as Roadside Clearing. However, on the Subcontractors List form submitted on 08/08/2013, LSS was not listed.

As you are aware, the instructions for submitting the Subcontractors List form states in part, "The bidder must identify each subcontractor performing work in an amount in excess of ½ of 1 percent of the total bid or \$10,000, whichever is greater." Yakar failed to list LSS to perform any portion of the work described as Temporary Mulch and Roadside Clearing.

In addition, to the DBE Submittal submitted on August 12, 2013, Caltrans received a second Subcontractors List form. Caltrans did not review this document since it was submitted after the due date of August 9, 2013, 2:00 p.m.

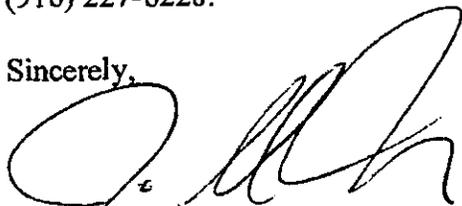
Based on the above, Caltrans will proceed to award this contract to the lowest responsible bidder.

Your attention is directed to Section 3-1.04 of the Amendments to the 2010 Standard Specifications. Caltrans is not obligated to offer an extension of the award period for a nonresponsive bid. Should you wish to extend your bid while resolving a nonresponsive finding, you must send your request to the Office Engineer no later than 4:00 p.m., two business days prior to the expiration of your bid.

Makana Amer  
August 16, 2013  
Page 2

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

Sincerely,

A handwritten signature in black ink, appearing to read 'J. C. McMillan', written in a cursive style.

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

Attachments

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
**CALTRANS BIDDER - DBE - COMMITMENT**  
 DES-OE-0102.10C (NEW 06/2012)

This information may be submitted with your bid proposal. If it is not, and you are the apparent low bidder or the second or third low bidder, it must be submitted and received as specified in section 2 of the specifications. Failure to submit the required DBE information will be grounds for finding the bid nonresponsive.

CONTRACT NO: 07-2768U4

BID AMOUNT: TBD

BID OPENING DATE: 08-08-13

BIDDER'S NAME: YAKAR

DBE GOAL FROM CONTRACT, %: 5%

DBE PRIME CONTRACTOR CERTIFICATION: N/A

BID ITEM NO	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED <sup>2</sup>	FOR CALTRANS USE ONLY	NAME OF DBE <sup>1</sup> (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 <sup>2</sup>
2	Construction Area signs		Fred Trathin M and Son 277 Lewis Court Corona CA 92882 951-349120 7 CCA 12/16	\$10,465 <sup>67</sup>
3	Traffic control system Rental & Buy.			\$16,920 <sup>00</sup>
1, 5 & 6	Head, Supp & Annual Report.			\$4240
8, 15	clear & grub temp mulch		LSS 15260 Verdum Sherman Oaks 818-475-0680 # 40620	\$4,3146 <sup>00</sup>

IMPORTANT: Identify all DBE firms being claimed for credit, regardless of tier. Names of the First Tier DBE Subcontractors and their respective items(s) of work listed above must be consistent, where applicable, with the names and items of work in the "Subcontractor List" submitted with your bid. Copies of the DBE quotes are required.

Total Claimed Participation: \$ 73,771<sup>67</sup>

5 %

1. DBE prime contractors must enter their certification number and indicate all work to be performed by DBEs including work performed by its own forces.
2. If 100% of item is not to be performed or furnished by DBE, describe exact portion of item to be performed or furnished.
3. See section 2-1.12 of the specifications to determine the credit allowed for DBE firms.

Submit to:  
 MSC 43  
 OFFICE ENGINEER  
 DEPARTMENT OF TRANSPORTATION  
 1727 30TH STREET  
 SACRAMENTO, CA 95816-7305

Signature of Bidder: 

Date: 08-07-13

Person to Contact: Makana Amer (Please Type or Print)

(909) 599-1612  
 (Area Code) Tel. No.

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (818) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

# Second Bidder

This information may be submitted with your bid proposal. If it is not, and you are the apparent low bidder or the second or third low bidder, it must be submitted and received as specified in section 2 of the specifications. Failure to submit the required DBE information will be grounds for finding the bid nonresponsive.

CONTRACT NO: **07-2768U4**

BID AMOUNT: **TBD**

BID OPENING DATE: **08-08-13**

BIDDER'S NAME: **YAKAR**

DBE GDAL FROM CONTRACT, %: **5%**

DBE PRIME CONTRACTOR CERTIFICATION: **N/A**

BID ITEM NO.	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED <sup>2</sup>	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 <sup>3</sup>
2	Construction Area Signs		Full Traffic maintenance 217 Lewis Court Corona, CA 92882 951-314-9100 #35742	\$10,465.67
3	Traffic Control System Rental & Buy Equip. (Partial)			15,920
1, 5 & 6	Lead Plans, SWPPP & storm water Annual Report		ESWPPP Consultants 902 Cortina Court Walnut Creek CA 94598 (925) 451-1831 #35275	\$4,240
8, 16	Temp. Mulch & Roadside Clearing		LSS 15290 Ventura Blvd Suite #150 Sherman Oaks, CA 91403 #40620	43,146
<p><b>IMPORTANT:</b> Identify all DBE firms being claimed for credit, regardless of tier. Names of the First Tier DBE Subcontractors and their respective item(s) of work listed above must be consistent, where applicable, with the names and items of work in the "Subcontractor List" submitted with your bid. Copies of the DBE quotes are required.</p> <p>1. DBE prime contractors must enter their certification number and indicate all work to be performed by DBEs including work performed by its own forces.</p> <p>2. If 100% of item is not to be performed or furnished by DBE, describe exact portion of item to be performed or furnished.</p> <p>3. See section 2-1.12 of the specifications to determine the credit allowed for DBE firms.</p>				\$ 73,771.67
<p>Total claimed participation</p>				5 %
<p>Submit to:</p> <p>MSC 43 OFFICE ENGINEER DEPARTMENT OF TRANSPORTATION 1727 30TH STREET SACRAMENTO, CA 95816-7005</p>			<p>Signature of Bidder</p> <p><b>08-07-13</b> Date</p> <p><b>Makana Amer</b> Person to Contact</p> <p>(909) 599-1612 (Area Code) Tel. No.</p> <p>(Please Type or Print)</p>	

ADA Notice For individuals with sensory disabilities, this document is available in a braille format. For information call (916) 654-8410 or TDD (916) 654-3890 or write Records and Forms Management, 1120 N Street, MS-88, Sacramento, CA 95814.

Bidder Name: YAKAR

The bidder must identify each subcontractor performing work in an amount in excess of 1/2 of 1 percent of the total bid, \$10,000, whichever is greater (Pub Conl 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 (816) 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 Bid Item Subcontracted	Column 4: Description of Subcontracted Work
Canyon Hydroseeding 3410 LA Sierra Ave #F189 Riverside, CA 92502	31	100%	Hydroseeding.
Velarde Concrete Construction Inc. 523 S. Brand Blvd. #201 San Fernando CA 91240	32	70%	Minor concrete.
Turboescape, Inc P.O. Box 461 Santa Clara, CA 95050	16	100%	Mortars
Full Traffic Maintenance Inc. 217 Lewis Court, Cerritos, CA 92602	2, <del>2</del>	100%	Construction site signs <del>MANUFACTURED</del>

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 664-6410 or TDD (916) 664-368 with Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

Submitted 10/17/2011

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION  
**SUBCONTRACTOR LIST**  
 DES-0E-0102.2 (REV 3/2011)

Bidder Name: YAKAR

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 Bid Item Subcontracted	Column 4: Description of Subcontracted Work
Canyon Hydroseeding 3410 La Sierra Avenue F-109 Riverside, CA 92503	31	100%	Hydroseeding
Velarde Concrete Construction Inc. 523 S. Brand Blvd #201 San Fernando, CA 91340	32	70%	minor concrete
Turboscape, Inc. P.O. Box 461 Santa Clara, CA 95050 84765	16	100%	mulch
Full Traffic Maintenance, Inc 217 Lewis Court Corona, CA 92882	2	100%	Construction Area Signs
LSS 15260 Ventura Blvd Suite 1150 Sherman Oaks, CA 91403	8, 15	100%	Temporary mulch, Roadside Clearing

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

P. 1

CALTRANS CONTR AWARDS Fax 916-227-6282

Aug 16 2013 04:00pm

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
918007509094	Normal	16:03:54pm	5'40"	6	O K	

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION  
DIVISION OF ENGINEERING SERVICES  
OFFICE ENGINEER, MS 43  
1727 30<sup>th</sup> 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!*

August 16, 2013

Facsimile: (800) 750-9094

Makana Amer, President  
Yakar  
113 E Arrow Hwy  
San Dimas, CA 91773

07-2768U4  
07-LA-210-R0.8/R4.9  
B.O. 08/08/2013

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P.1

CALTRANS CONTR AWARDS Fax 916-227-6282

Sep 23 2013 04:38pm

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
918007509094	Normal	23:04:33pm	4'47"	9	O K	

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

**DEPARTMENT OF TRANSPORTATION**  
DIVISION OF ENGINEERING SERVICES  
OFFICE ENGINEER  
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YAKAR  
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JOHN C. McMILLAN  
Deputy Division Chief  
Office Engineer  
Division of Engineering Services

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