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 19, 2014

Facsimile: (209) 263-0123

Shawn N. Simmons,
Western Division Manager.
Chester Bross
39 California Street, PMB 118
Valley Springs, CA 95252

10-0W1904
10-SJ-99-22.9/38.8
B.O. 11/25/2014

Dear Mr. Simmons:

The Department of Transportation (Caltrans) received letters dated September 19, 2014 and October 2, 2014, from Chester Bross Construction Company (Chester Bross), and December 16, 2014 from Tyson Arbuthnot of Rogers Joseph O'Donnell, on behalf of Chester Bross, protesting the bid submitted by A. Teichert & Son, DBA Teichert Construction (Teichert) on the above referenced contract. The protests allege that Teichert mathematically and materially unbalanced its bid on Bid Item 45 (Tack Coat). The protest further alleges that the Disadvantaged Business Enterprise (DBE) Commitment form submitted by Teichert identified A.C. Dike Co. (A.C. Dike) as performing work described as bid items 41,42,43,44, and 31 however, Teichert did not list this subcontractor on its Subcontractors List form. Furthermore, the protests allege A.C Dike cannot be utilized as or for DBE credit on this project. Therefore, Chester Bross alleges that Teicherts's claimed DBE participation must be adjusted, removing the $101,437.00 from the claimed participation and as such, Teichert's corrected participation on this project would be 6.88 percent which would make Teichert short of the goal of 7.0 percent. Lastly, Chester Bross alleges that Teichert's license is invalid because Teichert's Responsible Managing Officer (RMO) has six qualifying firms and is permitted to have three in a one-year period. As such, automatically suspends its license.

Caltrans evaluated the bid documents submitted by Teichert and concluded upon further evaluation of item number 45 Tack Coat, that it is unable to validate that there is a reasonable doubt that the low bid would result in the lowest overall cost to the State.

As the protest relates to the DBE Commitment form, Caltrans confirms that Teichert listed A.C. Dike towards it total claimed participation but did not list A.C. Dike on its subcontractor list form. However, the total claimed participation ($101,437.00) was less than the listing requirement of $115,148.40, which is one-half of one percent of the total bid. Therefore,

Teichert was not obligated to list A.C. Dike on the Subcontractors List form. Teichert's listing of A.C. Dike on the DBE Commitment form but not on the Subcontractor List form does not render Teichert nonresponsive in this case. .

As this protest pertains to Teichert's DBE participation, the Office of Business and Economic Opportunity, Contract Evaluation Unit reviewed Teichert's DBE submittal and certified Teichert's claimed total participation for this project as 7.13 percent.

As the protest concerns the validity of Teichert's license, the Contractors State License Board (CSLB) administers licensing requirements of contractors and if the bidder is properly licensed at time of bid and in good standing with the CSLB at time of award, Caltrans can award the contract to the bidder. Furthermore, Contractor's licensing issues must be addressed to the CSLB.

Therefore, based on the above, Teichert has met the requirements of a responsive bid. Caltrans will proceed to award this contract to the lowest responsive and responsible bidder.

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

TRANSMISSION VERIFICATION REPORT

TIME : 12/19/2014 17:08
NAME : OE AWARDS
FAX : 9162276320
TEL : 9162276299
SER.# : BROM3J484361

DATE,TIME	12/19 17:07
FAX NO./NAME	912092630123
DURATION	00:00:48
PAGE(S)	02
RESULT	OK
MODE	STANDARD

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY EDMUND G. BROWN Jr., Governor

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TRANSMISSION VERIFICATION REPORT

TIME : 12/19/2014 17:12
NAME : OE AWARDS
FAX : 9162276320
TEL : 9162276299
SER.# : BROM3J484361

DATE,TIME	12/19 17:11
FAX NO./NAME	912099832375
DURATION	00:00:45
PAGE(S)	02
RESULT	OK
MODE	STANDARD ECM

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

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