

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 30th STREET
P. O. BOX 168041
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6280
FAX (916) 227-6282
TTY 711



*Flex your power!
Be energy efficient!*

July 31, 2013

Facsimile: (760) 746-5224

Brian J. Wier, Vice President
Wier Construction Corporation
2255 Barnham Drive
Escondido, CA 92029

11-290304
11-SD-75, 805-9.0, 20.2
B.O. 06/13/2013

Dear Mr. Wier:

The Department of Transportation (Caltrans) received the attached letter from Wier Construction Corporation (Wier) on June 25, 2013, protesting a nonresponsive bid finding for Contract 11-290304. The protest states that the Disadvantaged Business Enterprise (DBE) Commitment Form is the only document required on the fourth business day after bid opening; and that there is no time limit for submitting confirmations and/or quotes. In addition, the protest also states that an unfair advantage is given to other bidders as they are notified by the State of all specific requirements to comply with the DBE Commitment's submittal while low bidders are not allowed the benefit of the State's advice/request to provide the DBE written confirmation later than the fourth day after bid opening.

Section 2-1.02 of the 2006 Special Provisions states in part..." if the DBE commitment form is not submitted with the bid, the apparent low bidder, the 2nd low bidder, and the 3rd low bidder must complete and submit the form to the Office Engineer. The DBE commitment form must be received by the Office Engineer no later than 4:00 p.m., on the 4th business day after bid opening. Submit written confirmation from each DBE stating that it is participating in the contract. If you do not submit the DBE commitment form by the specified time, your bid is nonresponsive."

Caltrans utilizes its Special Provisions as a basis/foundation, upon which each project is built and makes these Special Provisions available to each bidder. It is the sole responsibility of that bidder to adhere/comply with those Provisions. As evidenced, failure to comply with the standards, results in a nonresponsive bid. Attached for Weirs reference are the specific sections which detail the requirements and instructions for submitting the DBE commitment forms and confirmations. Unfortunately, Weir did not submit written confirmation with the DBE Commitment form or Good Faith Efforts documentation until June 25, 2013. The actual due date to submit this documentation was June 19, 2013, at 4:00 p.m.

As you are aware, Caltrans receives many bids in response to their highway construction contract needs. It is the sole responsibility of the bidder to provide accurate and responsive bids. A change or providing a bidder with an opportunity to submit its documentation outside of the submittal deadline circumvents the competitive bidding process and provides an unfair advantage, as well as a material benefit to Weir.

Based on the above, Caltrans has decided to uphold its finding of a nonresponsive bid and has moved forward to award this contract to lowest 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

Attachments



General Building & Engineering Contractors
License #481419 A & B

June 25, 2013

John C. McMillan / Mulissa Smith
California Department of Transportation
1727 30th Street
Sacramento, CA 95816-8041
Tel: 916.227.6228
Fax: 916.227.6282

Project: 11-290304 Bridge Column Footing Retrofit
Subject: Caltrans Letter of June 24, 2013 – Non-Responsive Finding

Dear Mr. McMillan / Ms. Smith,

There exists a wrong within the State's system that needs to be corrected immediately.

Pursuant to the above subject letter please consider this letter our request to extend our bid for resolution of the non-responsive finding.

Please confirm acceptance and this request.

Sincerely,
WIER CONSTRUCTION CORPORATION


Cathy J. Wier
President

EXHIBIT D
Low Bid (copy)

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
CALTRANS BIDDER - DBE - COMMITMENT
DES-DE-0102 108 (NCW 00/2012)

LOW Bid

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 Special Provisions. Failure to submit the required DBE information will be grounds for finding the proposal non-responsive.

CONTRACT NO: 11-290304
 BID AMOUNT: 2,452,032.80
 BID OPENING DATE: 6/18/13
 BIDDER'S NAME: WIER CONST. CORP.
 DBE GOAL FROM CONTRACT, %: 9
 DBE PRIME CONTRACTOR CERTIFICATION:

AND QUOTES/CONFIRMATION

CONTRACT 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 as (a) state bid or approved - include Caltrans certification #, DBE status and phone number) (Include DBE and letter for subcontractor)	DOLLAR AMOUNT DBE
44	SLOPE PAVE		CAR CONST. 39953 619 691 8572 CALIFORNIA C410 LOWE	112,200
24,27-29	45 IRRIG.		MUDGON 37778 951 411 2250 ALC PENCE CONTRACT	139,358
15,45-47	M360		626 533 027 3155	15,800
30	IRROSIAN CONTROL		QUALITY PAVEMENT 760 759 9010 5016	1,798
1,9	LEAD LCP		APPIAN 38524 510 315 1927	2,700
35,36	AK DIKE		AK DIKE 916 652 0157 08219	3546.80
				275402.50
				11.2%

CONFIRMATION

IMPORTANT: Identity of DBE firms being claimed for credit, regardless of the names of the final tier DBE subcontractors and their respective percent of work listed above must be certified, where applicable, with the names and items of work on the "Certification for Use" submitted with your bid. Copies of the DBE quotes are required.

1. DBE prime contractor must enter their certification number and include 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 010 "Disadvantaged Business Enterprise" in Section 2 "Bidding" of the special provisions to determine the credit allowed for DBE firms.

Total Contract Participation
 Date: 6/13/13 760-743-6776
 (Area Code) Tel. No.
 Brian Wier
 (Please Type or Print)

Submit to:
 NSCAD
 OFFICE ENGINEER
 DEPARTMENT OF TRANSPORTATION
 1737 30TH STREET
 SACRAMENTO, CA 95814-7005

ADA NOTICE: For individuals with sensory disabilities, this document is available on alternate formats. For information call (816) 884-9410 or TDD (716) 884-3000 or visit Nevada

THE QUOTES ARE
 EASILY RESOLVABLE

Low (In Bid Book)

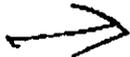
STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
CERTIFIED DVBE SUMMARY
DES-OE-0102.5 (REV 3/2008)

Low Bidder

DISTRICT-COUNTY-ROUTE: 11 - SD - 5
CONTRACT NO.: 11-2M1504
TOTAL BID: \$1,014,343.80
BID OPENING DATE: 5/2/13
BIDDERS NAME: WIER CONST. CORP
DVBE PRIME CONTRACTOR CERTIFICATION: _____

Bid Item Number	Description of Work to Be Subcontracted to DVBE or Materials to Be Supplied by DVBE*	For Caltrans Only	DVBE (Name, Telephone No., and Certification No.)	\$ Amount
2	WPCP PLAN		WIER 760-743-9776 CALTRANS SLS CONST. INC 619-448-9428	\$500
3	TRAFFIC CONTROL		CAROLINO TRAFFIC 619-434-9200 #1259580	\$7,000
Total Claimed Participation				\$ 87,000 8.8% %

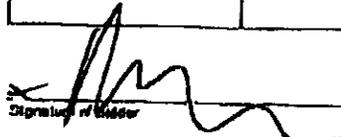
Names of first tier DVBE subcontractors and their items of work listed must be consistent with the names and items of work in the Subcontractor List (Pub Con) Code § 4100 et seq.) submitted with the bid. Identify second and lower tier subcontractors on this form.



→ QUOTE NOT REQUESTED

- DVBE prime contractors must enter their DVBE contractor number or their DBA name as listed with Department of General Services (DVBE prime contractors are credited with 100 percent DVBE participation and need not complete the above table).
- If 100% of an item is not performed or supplied by the DVBEs, describe the exact part, including the planned location of work to be performed, of item to be performed or supplied by DVBE.

Submit to:
MSC 43
OFFICE ENGINEER
DEPARTMENT OF TRANSPORTATION
1727 30TH STREET
SACRAMENTO, CA 95818-7005


Signature of Bidder
760 743 9776
(Area Code) Telephone Number
Brian J. Wier
Contract Person (Type or Print)
5/2/13
Date

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 364-3880 or write Records and Forms Management, 1126 N Street, M2-99, Sacramento, CA 95814.

SECTION 2

BIDDING

8. Any additional data to support demonstration of good faith efforts.

The Department may consider UDBE commitments of the 2nd and 3rd bidders in determining whether the low bidder made good faith efforts to meet the UDBE goal.

2-1.13-2-1.14 RESERVED

2-1.15 DISABLED VETERAN BUSINESS ENTERPRISES

2-1.15A General

Section 2-1.15 applies to a non-federal-aid contract.

Take necessary and reasonable steps to ensure that DVBEs have opportunity to participate in the Contract.

Comply with Mil & Vet Code § 999 et seq.

2-1.15B Projects \$5 Million or Less

Section 2-1.15B applies to a project with an estimated cost of \$5 million or less.

Make work available to DVBEs and select work parts consistent with available DVBE subcontractors and suppliers.

Meet the goal shown on the *Notice to Bidders*.

Complete and submit the *Certified DVBE Summary* form. List all DVBE participation on this form. For an informal-bid contract, submit the form with your bid. For a non-informal-bid contract, you may submit the form with your bid; if you do not, submit it such that it is received at the Office Engineer no later than 4:00 p.m. on the 4th business day after bid opening. If a DVBE joint venture is used, submit the joint venture agreement with the *Certified DVBE Summary* form.

List each 1st-tier DVBE subcontractor in the *Subcontractor List* form regardless of percentage of the total bid.

2-1.15C Projects More Than \$5 Million

2-1.15C(1) General

Section 2-1.15C applies to a project with an estimated cost of more than \$5 million

The Department encourages bidders to obtain DVBE participation to ensure the Department achieves its State-mandated overall DVBE goal.

If you obtain DVBE participation:

1. Complete and submit the *Certified DVBE Summary* form. List all DVBE participation on this form.
2. List each 1st tier DVBE subcontractor in the *Subcontractor List* form regardless of percentage of the total bid.

2-1.15C(2) DVBE Incentive

The Department grants a DVBE incentive to each bidder who achieves a DVBE participation of 1 percent or greater (Mil & Vet Code 999.5 and Code of Regs § 1896.98 et seq.).

To receive this incentive, submit the *Certified DVBE Summary* form. For an informal-bid contract, submit the form with your bid. For a non-informal-bid contract, you may submit the form with your bid; if you do not and you are the low bidder or the 2nd or 3rd low bidder, submit it such that it is received at the Office Engineer no later than 4:00 p.m. on the 4th business day after bid opening. If a DVBE joint venture is used, submit the joint venture agreement with the *Certified DVBE Summary* form. Other bidders may be required to submit this form if bid ranking changes.

2-1.15C(3) Incentive Evaluation

The Department applies the small business and non-small business preference during bid verification and proceeds with the evaluation specified below for DVBE incentive.

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TTY 711



*Flax your power!
Be energy efficient!*

June 24, 2013

Facsimile: (760) 746-5224

Brian J. Wier, Vice President
Wier Construction Corporation
2255 Barnham Drive
Escondido, CA 92029

11-290304
11-SD-75, 805-9.0, 20.2
B.O. 06/13/2013

Dear Mr. Wier:

The Department of Transportation (Caltrans) received a bid submitted by Wier Construction Corporation (Wier) for Contract No. 11-290304 on June 13, 2013. By this letter, Caltrans notifies Wier that its bid is nonresponsive since Wier did not comply with Contract Special Provision Section 2-1.12B (2) DISADVANTAGED BUSINESS ENTERPRISES, which states in part:

“... Submit written confirmation from each DBE shown on the form stating that it will be participating in the Contract. Include information with the DBE commitment form. A copy of a DBE's quote will serve as written confirmation that the DBE will be participating in the Contract.”

Wier failed to submit the written confirmation from each DBE as required.

Based on the above, Caltrans will proceed to award the contract to the lowest responsible bidder provided all requirements are met.

Your attention is directed to Section 3-1.02 of the Amendments to the 2006 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 pm, two business days prior to the expiration of your bid.

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

Sincerely,

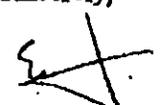

JOHN C. McMILLAN
Deputy Division Chief
Office Engineer
Division of Engineering Services

EXHIBIT - #

SPECIAL PROVISIONS

SECTION 1 (BLANK)

SECTION 2 BIDDING

2-1.01 TIE BID RESOLUTION

After bid verification, if there is a tie between 2 or more bidders, the Department breaks the tie by tossing a coin.

2-1.02 DISADVANTAGED BUSINESS ENTERPRISES

Under 49 CFR 26.13(b):

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

Take necessary and reasonable steps to ensure that DBEs have opportunity to participate in the contract (49 CFR 26).

To ensure equal participation of DBEs provided in 49 CFR 26.5, the Department shows a goal for DBEs.

Make work available to DBEs and select work parts consistent with available DBE subcontractors and suppliers.

Meet the DBE goal shown in the Notice to Bidders or demonstrate that you made adequate good faith efforts to meet this goal.

It is your responsibility to verify that the DBE firm is certified as DBE at date of bid opening. For a list of DBEs certified by the California Unified Certification Program, go to:

http://www.dot.ca.gov/hq/bep/find_certified.htm

All DBE participation will count toward the Department's federally mandated statewide overall DBE goal. Credit for materials or supplies you purchase from DBEs counts towards the goal in the following manner:

1. 100 percent counts if the materials or supplies are obtained from a DBE manufacturer.
2. 60 percent counts if the materials or supplies are obtained from a DBE regular dealer.
3. Only fees, commissions, and charges for assistance in the procurement and delivery of materials or supplies count if obtained from a DBE that is neither a manufacturer or regular dealer. 49 CFR 26.55 defines "manufacturer" and "regular dealer."

You receive credit towards the goal if you employ a DBE trucking company that performs a commercially useful function as defined in 49 CFR 26.55(d)(1) through (4) and (6).

DBE Commitment Submittal

Submit DBE information on the Caltrans Bidder - DBE - Commitment form included in the Bid book. If the form is not submitted with the bid, remove the form from the Bid book before submitting your bid.

If the DBE Commitment form is not submitted with the bid, the apparent low bidder, the 2nd low bidder, and the 3rd low bidder must complete and submit the DBE Commitment form to Office Engineer. DBE Commitment form must be received by the Department no later than 4:00 p.m. on the 4th business day after bid opening.

Other bidders do not need to submit the DBE Commitment form unless the Department requests it. If the Department requests you to submit a DBE Commitment form, submit the completed form within 4 business days of the request.

Submit written confirmation from each DBE stating that it is participating in the contract. Include confirmation with the DBE Commitment form. A copy of a DBE's quote will serve as written confirmation that the DBE is participating in the contract.

If you do not submit the DBE Commitment form within the specified time, the Department funds your bid nonresponsive.

A-1
A-2
A-3
A-4

NO SPILL THE UMMT

AND QUOTES/CONFIRMATION

WIER CONSTRUCTION CORPORATION

General Building & Engineering Contractors
License #481419 A & B

June 25, 2013

John C. McMillan / Mulissa Smith
California Department of Transportation
1727 30th Street
Sacramento, CA 95816-8041
Tel: 916.227.6228
Fax: 916.227.6282

Project: 11-290304 Bridge Column Footing Retrofit
Subject: Caltrans Letter of June 24, 2013 -- Non-Responsive Finding

Dear Mr. McMillan / Ms. Smith,

Pursuant to the Special Provisions, Section 2 Bidding, DBE Commitment Submittal, Paragraph four (Exhibit A-3) and Caltrans request Wier Construction is submitting :

1. "Written confirmation from each DBE stating that it is participating in the contract."
2. "...written confirmation with the DBE Commitment form."
3. "...copy(s) of a DBE quote(s) will serve as written confirmation that the DBE is participating in the contract."

Wier Construction hereby requests resolution of the non-responsive finding in favor of Wier Construction Corporation and award of the subject contract to Wier Construction Corporation based on the below:

- A-1 Pursuant to the Special Provisions the DBE Commitment Form, which Wier submitted on bid day, is the only document required prior to 4:00 PM on the fourth business day after the bid opening (see Exhibit A-1).

Pursuant to Special Provisions the above is the only document with specific time requirements and the only form required for our bid.

- A-2 The paragraph in Section 2 "Bidding" regarding other bidders specifically provides other bidders an unfair advantage as they can be notified by the State of all specific requirements to comply with the DBE Commitment submittal while low bidders are not allowed the benefit of the State's advice/request to provide the DBE written confirmation later than the fourth day after the bid opening. The low bidder should be afforded the same benefit as the other contractors above. (See Exhibit A-2)

- A-3 The paragraph in Section 2 "Bidding" regarding written confirmation of DBE participation is out of context/order, has no specific time limit for submission of the quotes/confirmations, and needs to be clarified on all future Caltrans bids in order to avoid misleading bidders regarding submission of post bid documents (See Exhibit A-3)
- A-4 Wier Construction is responsive as Wier has timely (with our bid) submitted the required DBE Commitment form pursuant to the Special Provisions (see Exhibit A-4).
- B-1 The Caltrans Bidder - DBE - Commitment form states that copies of the DBE quotes are required but fails to specify a time limit for submission.

Wier Construction has complied with all of the requirements of the Special Provisions (as stated above) and has provided all documentation pursuant to the DBE Commitment submittal.

Due to the above Wier Construction objects to the State's findings as this matter is a minor irregularity which is easily resolvable, is not material in nature, and does not provide Wier Construction with an unfair bid advantage (to the contrary the Special Provisions provide an unfair bid advantage to other bidders as discussed in Exhibit A-2 above).

Again, Wier Construction hereby requests resolution of the non-responsive finding in favor of Wier Construction Corporation and award of the subject contract to Wier Construction Corporation based on the above.

Please ensure that future versions of Special Provisions are amended/clarified in the future so that it is clearly specified as to exactly what is to be provided if a minor irregularity such as this is to be considered non-responsive.

We sincerely apologize for any inconvenience this may have caused; but, we believe this to be in the best interest of all.

Sincerely,
WIER CONSTRUCTION CORPORATION


Cathy J. Wier
President

License No. #16388 / C-27



26043 Jefferson Ave., Suite C Murrieta, CA. 92562

Union / DBE-MBE-SBE Contractor
PH: (951) 461-2250 • Fax: (951) 461-2246

June 13, 2013

To: General Contractor

Attn: Estimating Department

Project: Footing / Column Retrofit Routes 75 / 805 in S.D. County, CA
Caltrans Contract No. 11-290304

PROPOSAL

Base Bid Bid Item / Description	Quantity	Unit	Unit Price	Total
24) Highway Planting	LS	LS	LS	\$ 39,800.00
27) Plant Establishment	LS	LS	LS	\$ 21,600.00
28) Irrigation System	LS	LS	LS	\$ 42,438.00
29) 10" CHDPPC	240	LF	\$148.00	\$ 35,520.00

BASE BID TOTAL: \$139,358.00

Optional Items (Must be included with Base Bid)

25) Decomposed Granite	580	SF	\$12.85	\$ 7,453.00
28) Rock Mulch	150	SY	\$32.75	\$ 4,912.50
30) Erosion Control (BFM)	7020	SF	\$0.75	\$ 5,265.00

Quote valid for 60 days I Move-In Included for Item 29. Additional Move-In @ \$1500 each

Exclusions/Conditions:

- 1) Bond Premium
- 2) Utility Fees, Water Meters, License Fees, and Permits
- 3) All Clear and Grub and Removal of Existing Vegetation
- 4) All Electrical Work
- 5) All Sub-Grade Preparation (All areas of our work must be received +/- .10 required grade)
- 6) Traffic Control
- 7) Cut, Cap, Patch, Removal and Replacement of Existing Asphalt/Concrete
- 8) Import/Export of Topsoil
- 9) Waivers Of Subrogation (blanket waiver on WC may be available for a fee; all waivers are subject to our underwriter's approval)
- 10) Additional Insurance or Certificate requirements other than our standard coverage & wording (i.e. higher limits, endorsements, etc) all endorsements are subject to our underwriter's approval)
- 11) Lighting for Night Work
- 12) Joint Check Fees
- 13) Retention
- 14) 2 Move-Ins included in base bid. Any Additional Move-Ins will be charged at \$1,000 each

DBE Certification #37978 Exp. Date 09/23/14

5

UNIVERSITY MICROFILMS

ACE FENCE CO

PAGE 02/02



ACE FENCE COMPANY
 727 NORTH GLENDORA AVENUE, LA PUENTE, CA 91741
 PHONE (626) 333-0727 - FAX (626) 333-7843
 CERTIFIED AS DBE/DBE/SBE/MBE/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	ATTN :	Estimator
FAX # :		DATE :	6/12/13
FROM :	Michael Aberilla	PAGES :	1
PROJECT :	CADOT Footing/Column Retrofit, Concrete Barrier, Planting and Irrigation (Contract No. 11-290304) On Route 76 at E75-N5 Connector Overcrossing and On Route 605 at Kearny Villa Road Overcrossing, In San Diego Co., CA		
BID DATE :	6/13/13 2:00 P.M.		
SPECS :	per 2006 CALTRANS Plans & Specs		
		ADDENDUM:	None

ITEM	DESCRIPTION	Unit	Qty	Unit Price	Amount
	Proposal as follows:				
15	REMOVE METAL BEAM GUARD RAILING	LF	170	\$ 15.00	\$ 2,550.00
45	GUARD RAILING DELINEATOR	EA	30	\$ 35.00	\$ 1,050.00
48	METAL BEAM GUARD RAILING (WOOD POST)	LF	350	\$ 31.00	\$ 10,850.00
47	END ANCHOR ASSEMBLY (TYPE SFT)	EA	2	\$ 675.00	\$ 1,350.00
TOTAL AMOUNT:					\$ 15,000.00

- QUOTE IS BASED ON TWO (2) MOVE-INS ONLY, ADD'L MOVE-IN WILL BE BILLED AT \$1,200.00/EACH.
- 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'S PAYMENT & PERFORMANCE BONDS TO BE ATTACHED TO THE CONTRACT AGREEMENT.

EXCLUDE: DELINEATORS; STAINING & PAINTING; MINOR CONCRETE & ANY CONCRETE WORKS; VEGETATION CONTROL; REMOVAL OF EXISTING FENCES, VEGETATION OR ANY OBSTRUCTIONS; DEMOLITION; CLEARING & GRUBBING; BACKFILL & COMPACTION; GRADING; STAKING & LAY-OUT; ROCK DRILLING, CONCRETE SAWCUTTING, BREAKING & CORE DRILLING; PAVEMENT REPAIR OR ASPHALT PATCHING; POTHOLING OR LOCATING UTILITIES; MAINTENANCE OR REPAIR TO DAMAGES CAUSED BY OTHERS & TO UNMARKED UTILITY LINES; CONSTRUCTION OF CONCRETE CURBS & BARRIERS; GROUNDING OR ELECTRICAL WORKS; ENGINEERING OR STRUCTURAL CALCULATIONS; SURVEYS FOR ALIGNMENT & ELEVATIONS; COSTS FOR INSPECTIONS & TESTING; BOND COSTS; ASBESTOS & LEAD COMPLIANCE PLAN OR ANY RELATED WORKS; PERMITS & PERMIT FEES; K-RAILS; TEMPORARY FENCING & RAILINGS; TRAFFIC CONTROL, LIGHTING & SIGNAGE; FLAGMEN; LANE CLOSURE; HAULING OR RELOCATION OF SPOILS (spoils from our excavation are to be accepted 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 # C-13 # 801674, EXP. 12-31-2013 - UNION
SUBJECT TO ACCEPTANCE WITHIN 30 DAYS

5



State Lic. C-27 #473094
WBE #CCT-003816



HYDROSEEDING & RESTORATION

TELEFAX BID: CALTRANS 11-290304
 BID DATE: JUNE 13, 2013

FIRM BIDDING: QUALITY HYDROSEEDING & RESTORATION RON POUNDSTONE
 2017 ORANGE AVENUE Cell (760) 443-4509
 RAMONA, CA 92065 (760) 789-8040 FAX (760) 789-5168

QUALIFICATIONS: C-27 LICENSE NO. 473094 EXPIRES 5/2015

Qualified UDBE/DBE Subcontractor

CERTIFIED DBE - ICF Firm Number : 5616 - EXPIRES 5/2014

Local 12 Operators UNION

BID ITEMS:

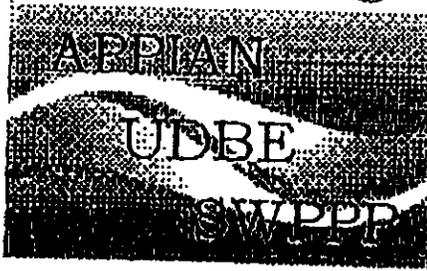
ITEM	ITEM CODE	ITEM	UNIT OF MEASURE	ESTIMATE QUANTITY	UNIT PRICE	ITEM TOTAL
30.	210250	EROSION CONTROL (BONDED FIBER MATRIX)	SQFT	7,020	\$0.2562	\$1,798.24

INCLUDES: PER SPECS...HYDROSEEDING ONLY

- INCLUSIONS:**
- (1) TAX, DELIVERY & INSTALLATION
 - (2) One Move-In included ..additional \$400.00 per Move-in

- EXCLUSIONS:**
- (1) PREWATERING OF SOIL
 - (2) ANY GRADING
 - (3) ANY SOILS PREPARATION
 - (2) ANY WEED ERADICATION
 - (3) ANY DEBRIS REMOVAL
 - (4) OWNER WILL SUPPLY WATER. TRUCK OR FAST WATER...
 - (5) TRAFFIC CONTROL
 - (6) NIGHT WORK (COST INCREASE IF NECESSARY)
 - (7) WATERING AND MAINTENANCE
 - (8) NEITHER PAYMENT OR PERFORMANCE BOND INCLUDED -2.5%
 - (9) INSURANCE REQ. EXCEEDING \$7 MILLION FOR LIABILITY

2017 Orange Avenue - Ramona, California 92065
 (760) 789-8040 Toll Free (800) 924-9376 Fax: (760) 789-5168



APPIAN UDBE SWPPP

Storm Water Pollution Prevention Plans
Water Pollution Control Programs
Lead Compliance Plans

Certified DBE (UDBE, WBE & MBE):
BART - No. 38334 - exp: 04-20-2015

Business License Number 024706

5780 Olinda Road
El Sobrante, CA 94803

Phone: (510) 375-1927
Fax: (510) 227-8004

ATTN: Estimator

Monday, June 7, 2013

RE: Contract: **Caltrans - 11-290304**

Footing/column Retrofit, Concrete Barrier, Planting And Irrigation.

Bid Date: **June 13, 2013**

Please find below the APPIAN SWPPP quote for the referenced project. Price includes three draft copies of the plan, additional copies of the approved plan if required by the Special Provisions, amendments and corrections. Plan preparation is in compliance with State, Regional and Local Storm Water Discharge Regulations and as required by the Special Provisions.

Item #	Item Code	Items bid individually	Bid Price
1	070030	Prepare Lead Compliance Plan (LCP)	\$1,900.00
9	130200	Prepare Water Pollution Control Program (WPCP)	\$800.00

Good luck,

Thomas Koprek
Estimator
(510) 375-1927



A. C. DIKE CO.
Specialty Paving Inc.
SPECIALTY PAVING CONTRACTOR

QUOTATION: CDOT SAN DIEGO RT 75 11-290304

BIDS : 6/13/13

\$ 3,546.50

"PLACE ONLY"* 410 LF ASPHALT DIKE (TYPES C,F) @ \$8.65 LF.

**PRICE INCLUDES TACK AND ONE MOBILIZATION .
ASPHALT MATERIAL AND HAULING BY PRIME CONTRACTOR.
TRAFFIC CONTROL BY PRIME CONTRACTOR.**

*** PLACE ONLY ASPHALT DIKE. SPECIFICALLY EXCLUDES SURFACE
PREPARATION, BACKFILL, OR FOGSEAL**

QUALIFIED MINORITY CONTRACTOR, DBE/WBE/UDBE # CT 000219
CAL. LIC.# 407417 NEV. LIC.#24188
2788 VENTURE DR. LINCOLN, CA. 95648
(916) 652-0159 FAX (916) 645-9618
WWW.ACDIKE.COM



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Search Returned 1 Records

Tue Jun 25 10:13:08 PDT 2013

Query Criteria

Firm ID: 39953
Firm Type: DBE

Firm ID	39953
Firm/DBA Name	CAP CONSTRUCTION
Address Line1	12570 SLAUGHTERHOUSE CANYON ROAD
Address Line2	
City	LAKESIDE
State	CA
Zip Code1	92040
Zip Code2	
Mailing Address Line1	P.O. BOX 8728
Mailing Address Line2	
Mailing City	CHULA VISTA
Mailing State	CA
Mailing Zip Code1	91912
Mailing Zip Code2	
Certification Type	DBE
E-Mail	capconst@yahoo.com
Contact Name	PATRICIA THORNBURG
Area Code	(619)
Phone Number	888-0295
Fax Area Code	(619)
Fax Phone Number	655-3101
Agency Name	DEPARTMENT OF TRANSPORTATION
Counties	37;
Districts	11;
DBE NAICS	237110; 237310; 238110; 238910;

ACDBE NAICS

Work Codes

C1801 CLEARING & GRUBBING; C1801 ROADWAY EXCAVATION; C1920 STRUCTURE EXCAVATION;
C1830 STRUCTURE BACKFILL; C1840 DITCHES EXCAVATION; C2602 AGGREGATE BASE; C5100
CONCRETE STRUCTURE; C5105 MINOR CONCRETE STRUCTURE; C6110 CONCRETE SURFACE
FINISH; C7301 CONCRETE CURB & SIDEWALK - MISC; C8770 CONSTRUCTION MANAGEMENT; C8820
RETAINER WALLS; C9903 CONSTRUCTION CLEAN UP; C9980 DEMOLITION;
A General Engineering Contractor; C08 Concrete Contractor;

Licenses
Trucks
Gender
Ethnicity
Firm Type

F
CAUCASIAN
DBE

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Search Returned 1 Records

Tue Jun 25 10:13:48 PDT 2013

Query Criteria

Firm ID: 37978
Firm Type: DBE

Firm ID	37978
Firm/DBA Name	ECO-LOGIC, INC
Address Line1	28043 JEFFERSON AVE., SUITE C
Address Line2	
City	MURRIETA
State	CA
Zip Code1	92582
Zip Code2	
Mailing Address Line1	
Mailing Address Line2	
Mailing City	
Mailing State	
Mailing Zip Code1	
Mailing Zip Code2	
Certification Type	DBE
E-Mail	dave@ecologicinc.com
Contact Name	SHANNON BORGESON
Area Code	(951)
Phone Number	481-2250
Fax Area Code	(951)
Fax Phone Number	461-2246
Agency Name	DEPARTMENT OF TRANSPORTATION
Counties	19; 30; 33; 38; 37; 42;
Districts	85; 07; 08; 11; 12;
DBE NAICS	561730;

ACDBE NAICS

Work Codes	C0629 LANDSCAPING & NURSERY SUPPLIER; C2000 HIGHWAY PLANTING; C2020 SOIL AMENDMENTS; C2085 IRRIGATION SYSTEM; C9887 LANDSCAPING CONTRACTOR;
Licenses	C27 Landscaping Contractor;
Trucks	
Gender	M
Ethnicity	HISPANIC
Firm Type	DBE

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Search Returned 1 Records

Tue Jun 25 10:14:03 PDT 2013

Query Criteria

Firm ID: 34153
Firm Type: DBE

Firm ID	34153
Firm/DBA Name	ACE FENCE COMPANY
Address Line1	727 N. GLENDORA AVENUE.
Address Line2	
City	LA PUENTE
State	CA
Zip Code1	91744
Zip Code2	
Mailing Address Line1	
Mailing Address Line2	
Mailing City	
Mailing State	
Mailing Zip Code1	
Mailing Zip Code2	
Certification Type	DBE
E-Mail	mpa@acefencecompany.com
Contact Name	MICHAEL ABANILLA
Area Code	(626)
Phone Number	333-0727
Fax Area Code	(620)
Fax Phone Number	333-7643
Agency Name	CITY OF LOS ANGELES
Counties	19; 30; 33; 36; 37; 56;
Districts	07; 08; 11; 12;
DBE NAICS	237310; 237890; 238999;

ACDBE NAICS

Work Codes	C0890 FENCING SUPPLIER; C8000 FENCING CONTRACTOR; C8201 OBJECT MARKER; C8320 METAL BEAM GUARD RAILING; C8381 METAL BEAM BARRIER;
Licenses	A General Engineering Contractor; B General Building Contractor; C13 Fencing Contractor;
Trucks	
Gender	F
Ethnicity	ASIAN PACIFIC
Firm Type	DBE

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Search Returned 1 Records

Tue Jun 26 10:14:28 PDT 2013

Query Criteria

Firm ID: 5616

Firm Type: DBE

Firm ID	5616
Firm/DBA Name	QUALITY HYDROSEEDING & RESTORATION
Address Line1	2013 ORANGE AVE
Address Line2	
City	RAMONA
State	CA
Zip Code1	92065
Zip Code2	5550
Mailing Address Line1	
Mailing Address Line2	
Mailing City	
Mailing State	
Mailing Zip Code1	
Mailing Zip Code2	
Certification Type	DBE
E-Mail	poundstone@mac.com
Contact Name	CYNTHIA D POUNDSTONE
Area Code	(760)
Phone Number	709-8040
Fax Area Code	(760)
Fax Phone Number	789-5188
Agency Name	DEPARTMENT OF TRANSPORTATION
Counties	00;
Districts	00;
DBE NAICS	561730;

ACDBE NAICS

Work Codes	C0020 LANDSCAPING & NURSERY SUPPLIER; C2066 TEMPORARY EROSION CONTROL;
Licenses	C27 Landscaping Contractor;
Trucks	
Gender	F
Ethnicity	CAUCASIAN
Firm Type	OBE

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Search Returned 1 Records

Tue Jun 25 10:15:03 PDT 2013

Query Criteria

Firm ID: 38334
Firm Type: DBE

Firm ID	38334
Firm/DBA Name	APPIAN UDBE SWPPPS
Address Line1	5700 OLINDA ROAD
Address Line2	
City	EL SOBRANTE
State	CA
Zip Code1	94803
Zip Code2	
Mailing Address Line1	
Mailing Address Line2	
Mailing City	
Mailing State	
Mailing Zip Code1	
Mailing Zip Code2	
Certification Type	DBE
E-Mail	tonkoprek@yahoo.com
Contact Name	NICOLE KOPREK
Area Code	(510)
Phone Number	375-1927
Fax Area Code	(510)
Fax Phone Number	222-0972
Agency Name	BAY AREA RAPID TRANSIT DISTRICT (BART)
Counties	01; 07; 21; 38; 41; 48;
Districts	04;
DBE NAICS	541620;

ACDBE NAICS

Work Codes	C8794 Environmental - Water Quality; C8851 Load Compliance; C8852 SWPPP Planning;
Licenses	
Trucks	
Gender	F
Ethnicity	BLACK
Firm Type	DBE

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Tue Jun 25 10:16:19 PDT 2013

Query Criteria

Firm ID: 00219

Firm Type: DBE

Firm ID	219
Firm/DBA Name	A C DIKE CO
Address Line1	2788 VENTURE DR.
Address Line2	
City	LINCOLN
State	CA
Zip Code1	95648
Zip Code2	
Mailing Address Line1	
Mailing Address Line2	
Mailing City	
Mailing State	
Mailing Zip Code1	
Mailing Zip Code2	
Certification Type	DBE
E-Mail	email@acdike.com
Contact Name	GEORGETTE MC CLAIN
Area Code	(916)
Phone Number	645-7747
Fax Area Code	(916)
Fax Phone Number	645-8818
Agency Name	DEPARTMENT OF TRANSPORTATION
Counties	00;
Districts	00;
DBE NAICS	237990; 238110; 238120; 238910;

ACDBE NAICS

Work Codes	C1810 GRADING; C1920 STRUCTURE EXCAVATION; C1930 STRUCTURE BACKFILL; C1940 DITCHES EXCAVATION; C2802 AGGREGATE BASE; C3901 ASPHALT CONCRETE; C3910 PAVING ASPHALT (ASPHALT CONCRETE); C3940 PLACE ASPHALT CONCRETE DIKE & MISC;
Licenses	A General Engineering Contractor;
Trucks	
Gender	F
Ethnicity	CAUCASIAN
Firm Type	DBE

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

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

Jul 31 2013 04:19pm

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
917607465224	Normal	31:04:16pm	2'54"	23	# 0 K	

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 30th STREET
P. O. BOX 168041
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6280
FAX (916) 227-6282
TTY 711



*Flex your power!
Be energy efficient!*

July 31, 2013

Facsimile: (760) 746-5224

Brian J. Wier, Vice President
Wier Construction Corporation
2255 Barnham Drive
Escondido, CA 92029

11-290304
11-SD-75, 805-9.0, 20.2
B.O. 06/13/2013

Dear Mr. Wier:

The Department of Transportation (Caltrans) received the attached letter from Wier Construction Corporation (Wier) on June 25, 2013, protesting a nonresponsive bid finding for Contract 11-290304. The protest states that the Disadvantaged Business Enterprise (DBE) Commitment Form is the only document required on the fourth business day after bid opening; and that there is no time limit for submitting confirmations and/or quotes. In addition, the protest also states that an unfair advantage is given to other bidders as they are notified by the State of all specific requirements to comply with the DBE Commitment's submittal while low bidders are not allowed the benefit of the State's advice/request to provide the DBE written confirmation later than the fourth day after bid opening.

Section 2-1.02 of the 2006 Special Provisions states in part..." if the DBE commitment form is not submitted with the bid, the apparent low bidder, the 2nd low bidder, and the 3rd low bidder must complete and submit the form to the Office Engineer. The DBE commitment form must be received by the Office Engineer no later than 4:00 p.m., on the 4th business day after bid opening. Submit written confirmation from each DBE stating that it is participating in the contract. If you do not submit the DBE commitment form by the specified time, your bid is nonresponsive."

Caltrans utilizes its Special Provisions as a basis/foundation, upon which each project is built and makes these Special Provisions available to each bidder. It is the sole responsibility of that bidder to adhere/comply with those Provisions. As evidenced, failure to comply with the standards, results in a nonresponsive bid. Attached for Weirs reference are the specific sections which detail the requirements and instructions for submitting the DBE commitment forms and confirmations. Unfortunately, Weir did not submit written confirmation with the DBE Commitment form or Good Faith Efforts documentation until June 25, 2013. The actual due date to submit this documentation was June 19, 2013, at 4:00 p.m.

As you are aware, Caltrans receives many bids in response to their highway construction contract needs. It is the sole responsibility of the bidder to provide accurate and responsive bids. A change or providing a bidder with an opportunity to submit its documentation outside of the submittal deadline circumvents the competitive bidding process and provides an unfair advantage, as well as a material benefit to Weir.