

**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) 227-6280

FAX (916) 227-6282

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

*Flex your power!  
Be energy efficient!*

September 5, 2013

Facsimile: (714) 935-1199

Robert B. Cowan, President  
Marina Landscape Inc.  
1900 South Lewis Street  
Anaheim, CA 92805

12-0G3314  
12-ORA-91-9.2/15.9  
B.O. 08/22/2013

Dear Mr. Cowan:

The Department of Transportation (Caltrans) received a bid submitted by Marina Landscape Inc. (Marina) for Contract No. 12-0G3314 on August 22, 2013. By this letter, Caltrans notifies Marina that its bid is nonresponsive because Marina failed to submit the Disadvantage Business Enterprise (DBE) commitment form and quotes within 4 business days after bid opening.

*Section 2-1.33A of the 2010 Standard Specifications states in part "... Except for the percentage of each bid item subcontracted, do not fax submittals."*

Caltrans received the faxed DBE commitment form and written confirmation on August 27, 2013, at 9:35 a.m.

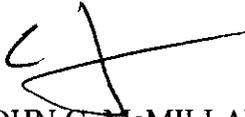
Based on the above, Caltrans will proceed to award the contract to the lowest responsible bidder.

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.

Mr. Robert B. Cowan  
September 5, 2013  
Page 2

If you have any questions please contact Renee Smith, Contract Awards Analyst, at  
(916) 227-6296.

Sincerely,

A handwritten signature in black ink, appearing to read 'John C. McMillan', written over a horizontal line.

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

Attachment

## SECTION 2

## BIDDING

### 2-1.31–2-1.32 RESERVED

### 2-1.33 BID DOCUMENT COMPLETION

#### 2-1.33A General

Complete forms in the *Bid* book. Submit the forms with your bid.

On the Subcontractor List you may either submit the percentage of each bid item subcontracted with your bid or fax the percentage to (916) 227-6282 within 24 hours after bid opening.

Except for the percentage of each bid item subcontracted, do not fax submittals.

#### 2-1.33B Bid Item List and Bid Comparison

Submit a bid based on the bid item quantities the Department shows on the Bid Item List.

For a lump sum based bid, the Department compares bids based on the total price.

For a unit price based bid, the Department compares bids based on the sum of the item totals.

For a cost plus time based bid, the Department compares bids based on the sum of the item totals and the total bid for time.

#### 2-1.33C Subcontractor List

On the *Subcontractor List*, list each subcontractor to perform 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.).

The *Subcontractor List* must show the name, address, and work portions to be performed by each subcontractor listed. Show work portions by bid item number, description, and percentage of each bid item subcontracted.

#### 2-1.33D Opt Out of Payment Adjustments for Price Index Fluctuations

You may opt out of the payment adjustments for price index fluctuations specified in section 9-1.07. To opt out, submit a completed *Opt Out of Payment Adjustments for Price Index Fluctuations* form with your bid.

#### 2-1.33E Reserved

### 2-1.34 BIDDER'S SECURITY

Submit your bid with one of the following forms of bidder's security equal to at least 10 percent of the bid:

1. Cash
2. Cashier's check
3. Certified check
4. Bidder's bond signed by a surety insurer who is licensed in California

If using a bidder's bond, you may use the form in the *Bid* book. If you do not use the form in the *Bid* book, use a form containing the same information.

### 2-1.35 SSPC QP CERTIFICATION PREAWARD QUALIFICATION

Submit the SSPC QP certification required under section 59-2.01D(1) with your bid. Failure to submit the certification results in a nonresponsive bid.

### 2-1.36 RESERVED

### 2-1.37 BID SUBMITTAL

Submit your bid:

1. Under sealed cover
2. Marked as a bid
3. Identifying the contract number and the bid opening date

If an agent other than the authorized corporation officer or a partnership member signs the bid, file a Power of Attorney with the Department either before opening bids or with the bid. Otherwise, the bid may be nonresponsive.

FAXED



FACSIMILE TRANSMITTAL SHEET

|  |   |
|--|---|
| TO:<br>Ms. Melissa Smith                       | FROM:<br>Joe Fuentes                      |
| COMPANY:<br>California Dept. of Transportation | DATE:<br>AUGUST 27, 2013                  |
| PHONE NUMBER:<br>916-227-6228                  | TOTAL NO. OF PAGES INCLUDING COVER:<br>37 |
| FAX NUMBER:<br>916-227-6282                    | PHONE NUMBER:<br>714.704.0467             |
| RE:<br>Contract #12-063314                     | FAX NUMBER:<br>714.935.0999               |

URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY     PER YOUR REQUEST

NOTES/COMMENTS:

Ms. Smith,

Please find included with this cover letter, our DBE Commitment for and quote as well as our Good Faith Effort documentation.

Please call me if you should have any questions.

Cordially,

  
Joe Fuentes  
Estimator

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
**CALTRANS BIDDER - DBE - COMMITMENT**  
 DEB-0E-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:  
12-0G3314  
 BID AMOUNT:  
\$ 2,023,558.40  
 BID OPENING DATE:  
8/22/13  
 BIDDER'S NAME:  
Marino Landscape, Inc.  
 DBE GOAL FROM CONTRACT, %:  
9  
 DBE PRIME CONTRACTOR CERTIFICATION:

| BID ITEM NO     | ITEM OF WORK AND DESCRIPTION OF SERVICE TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED | FOR CALTRANS USE ONLY | NAME OF DBE (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 |
|-----------------|---|-----------------------|---|-------------------|
| (18,19) PARTIAL | PLANTS  |                       | NEW WEST GROWERS  | 13,900.           |
|                 |   |                       |   |                   |
|                 |   |                       |   |                   |
|                 |   |                       |   |                   |

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

- DBE prime contractors must show their certification number and indicate all work to be performed by DBEs including work performed by its own firms.
- If 100% of work is not to be performed or finished by DBE, describe exact portion of item to be performed or finished.
- 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 95816-7005

TOTAL DBE Participation \$ 13,900.  
0.7 %  
 Robert B. Cowan  
 President  
 8/22/13 Date (714) 939-6600 (Area Code) Tel. No.  
 John Gutierrez  
 Person to Contact (Phone Type or Prefix)

ADA Notice: For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 884-6610 or TDD (916) 884-3080 or write Records and Forms Management, 1170 N Street, M.B.-89, Sacramento, CA 95814.

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

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CALTRANS CONTR AWARDS Fax 916-227-6282

Sep 5 2013 05:00pm

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STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

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