

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!*

September 18, 2015

Facsimile: (707)443-0277

Justin Zabel, President
Mercer- Fraser Company
PO Box 1006
Eureka, CA 95502

01-0B3604
01-Hum-36-35.9
B.O. 8/26/2015

Dear Mr. Zabel:

The Department of Transportation (Caltrans) received a letter dated September 4, 2015, from Stimpel-Wiebelhaus Associates, Inc. (Stimpel-Wiebelhaus) protesting the bid submitted by Mercer- Fraser Company (Mercer- Fraser) for the above referenced contract. The protest alleges that Mercer-Fraser failed to list a subcontractor for Bid Item#45, Drill Hole (Horizontal Drain) and incorrectly stated that AC Dike Company will perform 100% of the work for Bid Items 34, 35, &36. The protest further alleges that Mercer- Fraser failed to list the Work Category Codes on the Disadvantage Business Enterprise (DBE) Commitment form. As such, Stimpel-Wiebelhaus requests that Caltrans find Mercer- Fraser's bid nonresponsive.

Please provide your response to Stimpel-Wiebelhaus's protest no later than September 23, 2015.

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

Attachments

STIMPEL-WIEBELHAUS ASSOCIATES INC

General Engineering Contractor
P.O. Box 492335 • Redding, CA 96049-2335
1168 Industrial St. • Redding, CA 96002-0734
Phone (530) 223-6605 • Fax (530) 223-3879

September 4th, 2015

California Department of Transportation
Division of Engineering Services
Office Engineer, MS-43
1727 30th Street
PO Box 168041
Sacramento, CA 95816-8041
Phone: 916-227-6280
Fax: 916-227-6282

Subject: Contract 01-0B3604

RE: Bid Protest

Attention: John C. McMillan, Deputy Division Chief

Dear Mr. McMillan,

Stimpel-Wiebelhaus Associates Inc. hereby protests the award of the above mentioned project to Mercer Fraser Company for failing to list a subcontractor for Bid Item # 45- Drill Hole (Horizontal Drain), failing to fill out the Work Category Codes on the DBE Commitment form, and for falsely stating their subcontractor AC Dike Company if performing 100% of Bid Items 34, 35, & 36.

Bid Item #45- Drill Hole (Horizontal Drain)- Most General License A contractors in the State of California do not self-perform the requirements of Bid Item #45- Drill Hole (Horizontal Drain) and therefore must sub contract it out. Mercer Fraser Company does not self-perform Horizontal Drilling and has no intention of self-performing it. The most competitive sub quote for Bid Item #45- Drill Hole (Horizontal Drain) was \$17,120, which is in excess of ½ of 1 % of the total bid amount. Per Standard Specification 2-1.10 Subcontractor List- "On the subcontractor list form, list each subcontractor to perform work in an amount in excess of ½ of 1 percent of the total bid or \$10,000, whichever is greater."

Mercer Fraser Company failed to provide Work Category Codes for their subcontractors on their DBE Commitment form, rendering the form incomplete. Per Note #3 on the Des-OE0102 10D Form "USE WORK CATEGORY CODES FROM THE CALIFORNIA UNIFIED CERTIFICATION PROGRAM DATABASE." Failing to fill out part or all of the required DBE Commitment forms is basis for being deemed non-responsive.

Mercer Fraser Company states their subcontractor AC Dike Company is performing 100% of Bid Items 34, 35, & 36. Attached is AC Dike Company's quote which states "PLACE ONLY 770 LF ASPHALT DIKE TYPE (C, D, F). Furthermore, AC Dike Company's conditions state "ASPHALT AND TRUCKING BY PRIME CONTRACTOR." AC Dike Company is ONLY placing the Asphalt Dike Type (C, D, F), which is only part of the bid items. Mercer Fraser

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Company must supply and provide the material and trucking, therefore the subcontractor form submitted by Mercer Fraser Company is incomplete.

Mercer Fraser Company failed to list a subcontractor that was in excess of ½ of 1% and \$10,000, failed to properly fill out DBE Commitment DES-OE-0102 10D, and falsely stated a subcontractor was performing 100% of Bid Items 34, 35, 36. Because of these reasons Stimpel-Wiebelhaus Associates Inc. request Mercer Fraser Company be deemed non-responsive and the contract be awarded to the next responsive low bidder.

Sincerely,

Clayton Olds

Estimator/Project Manager

Low Bidder

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
DBE - COMMITMENT
 DE6-0E-0102.10D (REV 12/2014)

CONTRACT NO:
01-0B3604

DID AMOUNT:
\$1,066,950.00

BID OPENING DATE:
8/26/15

BIDDER'S NAME:
Mercer-Praser Company

DBE GOAL FROM CONTRACT %:
8%

DBE FIRM CONTRACTOR CERTIFICATION: TOTAL NUMBER OF ALL SUBCONTRACTS (DBE & NON-DBE): TOTAL VALUE OF ALL SUBCONTRACTS (DBE & NON-DBE):
 _____ 5 _____ \$267,478.00

DID NOT
 FILL OUT

BID ITEM NO	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED ¹	WORK CATEGORY CODES ²	NAME OF DBEs (Must be certified on the date bids are opened include CCB's certification no., DBE address, and phone number. Show DBE and lower tier subcontractors)	AMOUNT (\$)
31, 32, 33, 37, 38, 22	HMA, Binder, Geosynthetic pavement Interlayer, Place hms, tack coat, mobilization		S.T. Rhoades Construction DBE- 37693 8585 Commercial Way, Redding, CA 96049 530-323-9322	\$201,880.00
34, 35, 36	Place A.C. Dike		A.C. Dike Co. DBE- 0219 1788 Venture Dr. Lincoln, CA 95648 916-652-0159	\$4,504.00
26, 27, 28, 29, 30	Erosion Control		MRS Environmental DBE- 030736 12192 Mac's Road Redding, CA 96003 530-241-1418	\$22,241.00
35, 37, 57, 58, 59, 60, 113	Guardrail		Dirk & Aggregate Interchange Inc. DBE- 0020 20905 NE Sandy Blvd, Patview, OR 97024 503-661-5093	\$30,916.00
48, 41, 42, 43, 46, 47, 48, 49, 50	Pipe Materials		Water Components DBE-27365 44 Simms St., San Rafael, CA 94901 415-524-8290	\$10,381.00

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.

The names of the 1st tier DBE subcontractors and items of work must be consistent with the Subcontractor List (Pub Cont Code § 4100 et seq.)

¹Each DBE prime contractor must enter its certification number and show all work to be performed by DBEs, including work performed by its own forces.

²If 100% of an item is not to be performed or furnished by the DBE describe the exact portion of the item to be performed or furnished.

³Use Work Category Codes from the California Unified Certification Program database

Total Claimed Participation: \$ 267,924.00

25% %

The bidder acknowledges that it is committed to use the DBEs shown on this form to meet the contract goal (49 CFR 26.63).

Mark Benzinger
 Signature of Bidder

8/31/15 Date 707-443-6371 (Area Code) Tel. No

Mark Benzinger Person to Contact (Please Type or Print)

FORM STATES YOU MUST LIST WORK CATEGORY CODES.

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 01-0B3604 Project ID: 0112000120

Bidder Name: Mercer Fraser Company

Bidder ID: VC0000003985

DES-OB-0102.2C (REV 03/2015)

Bidding Firm: Mercer Fraser 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
34 100	
35 100	
36 100	

= \$ 4504.50

← AC DIKE IS ONLY PERFORMING PART OF EACH ITEM PER THEIR QUOTE.

List this sub? Yes

- 2) Business Name Apply-A-Line, Inc.
- Location City Anderson State CA
- California Contractor License Number 562762
- Public Works Contractor Registration Number 1000003300
- Portion of Work Subcontracted:

Item #	Description
61 100	
62 100	

= \$ 7937 -

List this sub? Yes

- 3) Business Name M&S Environmental Landscapes, Inc.
- Location City Redding State CA
- California Contractor License Number 751931
- Public Works Contractor Registration Number 1000010084
- Portion of Work Subcontracted:

Item #	Description
26 100	
27 100	
28 100	
29 100	
30 100	

= \$ 22241 -

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 01-0B3604 Project ID: 0112000120

Bidder Name: Mercer Fraser Company

Bidder ID: VC0000003985

DES-OE-0102.2C (REV 03/2015)

Bidding Firm: Mercer Fraser Company

List this sub? Yes

- 4) Business Name S.T. Rhoades Construction Inc.
- Location City Redding State CA
- California Contractor License Number 930684
- Public Works Contractor Registration Number 1000008025
- Portion of Work Subcontracted:

Item #	Description
31 100	
32 100	
33 100	
37 100	
38 100	

= 201880 -

List this sub? Yes

- 5) Business Name Dirt & Aggregate Interchange, Inc.
- Location City Fairview State CA
- California Contractor License Number 507828
- Public Works Contractor Registration Number 1000010905
- Portion of Work Subcontracted:

Item #	Description
15 100	
17 100	
57 100	
58 100	
59 100	

= 30916 -

List this sub? Yes

- 6) Business Name Dirt & Aggregate Interchange, Inc., Continued
- Location City Fairview State CA
- California Contractor License Number 507828
- Public Works Contractor Registration Number 1000010905
- Portion of Work Subcontracted:

Item #	Description
60 100	

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

QUOTATION: CDOT RT 36 HUMBOLDT CO. 01-0B3604

BIDS: 8/26/15

* PLACE ONLY *770 LF ASPHALT DIKE TYPE (C,D,F) @ \$5.85 LF
480 SQYD MISC AREA @ \$40.00 SQYD

Itund's
24, 35, 36, 37
~~37~~
e1w/d

↓ PRICE INCLUDES TACK AND ONE MOBILIZATION.
ASPHALT AND TRUCKING 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
DIR# 1000005929



General Engineering Contractor
P.O. Box 492335 • Redding, CA 96049-2335
1110 Industrial St. • Redding, CA 96002-0734
Phone (530) 223-6605 • Fax (530) 223-3879

FAX COVER SHEET

DATE: 09/04/2015
TO: California Department of Transportation/Division of Engineering Svcs
ATTN: Office Engineer, MS-43 Mr. McMillan
FROM: Clayton Olds
SUBJECT: Contract 01-0B3604
NUMBER OF PAGES TO FOLLOW: 6

RECEIVER'S ACTION:

Please call/fax _____ For your use _____
Review, then call _____ As requested _____
Approve and return _____ Acknowledge receipt _____

If you should have any questions, please call (530) 223-6605

Multiple horizontal lines for additional information or notes.

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

P. 1
CAL/TRANS PLANS COUNTER

Sep 18 2015 03:11pm

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
917074430277	Normal	18:03:05pm	6'39"	8	# 0 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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