



HANFORD
— A.R.C. —
LANDSCAPE · ENGINEERING

March 17, 2015

State of California, Department of Transportation
Division of Engineering Services
Office Engineer, MS 43
1727 30th Street
Sacramento, CA 95816-8041
Attn: John McMillan, Deputy Division Chief

RE: Contract No. 01-262054,
Bid Opening Date: 2015-03-12
Bid Protest of IO ENVIRONMENTAL & INFRASTRUCTURE, INC.

Dear Mr. McMillan:

Hanford Applied Restoration & Conservation (Hanford ARC) hereby protests the award of the above-referenced project to IO Environmental & Infrastructure, Inc. (IO Environmental) for failing to properly complete their bid documents.

Incorrect Percentage of Bid Item Subcontracted:

Review of IO Environmental's bid package shows that they incorrectly filled out their Subcontractor List. In particular, you can see that Percentage of Bid Item Subcontracted has percentages based on the total contract amount, rather than the percent of each item subcontracted. Section 2-1.33 states in part, "...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." For reference please refer to Attachment A.

LIC NO 481167

23195 Maffei Road
Sonoma, CA 95476
Tel: 707 996 8633
Fax: 707 996 6641

www.hanfordarc.com

Precedence:

In two recent similar instances, Caltrans ruled the apparent low bidder non-responsive due to the same error.

- 1) USS Cal Builder's July 24th, 2014 bid for Contract 08-3401U4 was ruled non-responsive "because it failed to properly complete the Subcontractor List form." For reference, please see Attachment B.
- 2) Martinez Landscape Company Inc.'s August 14, 2014 bid was ruled non-responsive because it was "unable to determine the amount of work to be subcontracted for Statewide Traffic Safety & Signs." For reference, please see Attachment C.

Summary:

Based on this error, Hanford ARC requests that Caltrans rule IO Environmental's bid non-responsive, and award the contract to the next responsive, responsible bidder.

Sincerely,



Mark Cederborg
Corporate Secretary
Hanford ARC

ATTACHMENT A

IO Environmental & Infrastructure, Inc.

Subcontractor List

STATE OF CALIFORNIA

B I D S U M M A R Y

DEPARTMENT OF TRANSPORTATION

BID211

BID OPENING DATE 03/12/15
 CONTRACT NUMBER 01-262054
 LOCATION 01-MEN-101-45.0/50.8

IN MENDOCINO COUNTY IN AND NEAR
 IN MENDOCINO COUNTY IN AND NEAR
 WILLITS FROM HAEHL CREEK OVERHEAD
 TO REYNOLDS HIGHWAY

PAGE 1
 03/13/15
 CONTRACT CODE 'C'
 45 CONTRACT ITEMS

WILLITS MITIGATION

FEDERAL AID NHP-Q101-Q(263)E

DB GOALS: DISADVANTAGED BUSINESS ENTERPRISE - 9.0%
 PROPOSALS ISSUED 18 FUND TOTAL 0 TOTAL NUMBER OF WORKING DAYS 1250
 NUMBER OF BIDDERS 5 ENGINEERS EST 12,071,065.00 AMOUNT UNDER 2,606,061.00 PERCENT UNDER EST 21.59

BID RANK	BID TOTAL	BIDDER ID	BIDDER INFORMATION (NAME/ADDRESS/LOCATION)
1	9,465,004.00	5	IO ENVIRONMENTAL & INFRASTRUCTURE, INC. 2840 ADAMS AVENUE, SUITE 301 SAN DIEGO CA 92116 619 280-3278 00957419 FAX 619 677-5648
2	12,631,386.79	4	HANFORD APPLIED RESTORATION & CONSERVATION 23195 MAFFEI RD. SONOMA CA 95476 707 996-6633 00461167 FAX 707 996-6641
3	12,644,543.00	1	DESILVA GATES CONSTRUCTION 11555 DUBLIN BLVD DUBLIN CA 94568 925 829-9220 00704195 FAX 925 803-4263
4	12,653,029.15	3	NATURES IMAGE, INC. 20361 HERMANA CIRCLE LAKE FOREST CA 92630 949 680-4400 00720513 FAX 949 680-4450
5	16,745,035.50	2	MERCER-FRASER COMPANY P.O. BOX 1006 EUREKA CA 95502 707 443-6371 00105709 FAX 707 443-0277

03/17/2015 10:53 FAX 707 996 6641 Received
 HANFORD ARC
 Mar 17 2015 11:57am
 005/016

01-262054
01-MEN-101
03/12/15

BID211
PAGE 2
03/13/15

L I S T O F S U B C O N T R A C T O R S

BIDDER ID	NAME AND ADDRESS	LICENSE NUMBER	DESCRIPTION OF PORTION OF WORK SUBCONTRACTED
05	AHTNA DESIGN-BUILD, INC. IRVINE CA	972449	ITEMS 12-14 (1.515%)
	AHTNA DESIGN-BUILD, INC. IRVINE CA	972449	ITEMS 16-17 (.561%)
	AHTNA DESIGN-BUILD, INC. IRVINE CA	972449	ITEMS 20, 36, 40 (4.376%)
	AHTNA DESIGN-BUILD, INC. IRVINE CA	972449	ITEMS 5-7 (1.702%)
	AHTNA DESIGN-BUILD, INC. IRVINE CA	972449	ITEMS 8-9 (.792%)
	AHTNA DESIGN-BUILD, INC. IRVINE CA	972449	PREPARE SWPPP/RAIN EVENT ACTION PLAN/STORMWATER SAMPLING&AN
	AHTNA DESIGN-BUILD, INC. IRVINE CA	972449	ROADSIDE CLEARING/ROCK SLOPE PROTECTION (FACING, METHOD B)/T
	AHTNA DESIGN-BUILD, INC. IRVINE CA	972449	STORMWATER ANNUAL REPORT/MOVE-IN/MOVE-OUT (TEMP. EROSION CO
	AHTNA DESIGN-BUILD, INC. IRVINE CA	972449	TEMP. FENCE (ESA)/TEMP MARKER (ESA)
	AHTNA DESIGN-BUILD, INC. IRVINE CA	972449	TEMP. FIBER ROLL/TEMP. SILT FENCE/TEMP. CONSTRUCTION ENTRAN
	MTGL, INC. SAN DIEGO CA	N/A	ITEM 4 (.00187%)

CONTINUED ON NEXT PAGE

03/17/2015 10:53 FAX
Received
707 996 6641

HANFORD ARC

Mar 17 2015 11:57am

006/016

01-262054
01-MEN-101
03/12/15

BID211
PAGE 3
03/13/15

LIST OF SUBCONTRACTORS

BIDDER ID	NAME AND ADDRESS	LICENSE NUMBER	DESCRIPTION OF PORTION OF WORK SUBCONTRACTED
05	MTGL, INC. SAN DIEGO CA	N/A	JOB SITE MANAGEMENT
	SELBY'S SOIL EROSION CONTROL CO., INC. NEWCASTLE CA	797658	DISKING (EARTHWORK)
	SELBY'S SOIL EROSION CONTROL CO., INC. NEWCASTLE CA	797658	ITEM 35 (.521%)
	SELBY'S SOIL EROSION CONTROL CO., INC. NEWCASTLE CA	797658	ITEMS 29-31 (.793%)
	SELBY'S SOIL EROSION CONTROL CO., INC. NEWCASTLE CA	797658	ITEMS 32-34 (3.909%)
	SELBY'S SOIL EROSION CONTROL CO., INC. NEWCASTLE CA	797658	ITEMS 9-10 (.1555%)
	SELBY'S SOIL EROSION CONTROL CO., INC. NEWCASTLE CA	797658	MOVE-IN/OUT (TEMP. EROSION CONTROL)/TEMPORARY TACKED STRAW
	SELBY'S SOIL EROSION CONTROL CO., INC. NEWCASTLE CA	797658	MOVE-IN/OUT(EROSION CONTROL)/EROSION CONTROL DRY SEED/EROSI
	SELBY'S SOIL EROSION CONTROL CO., INC. NEWCASTLE CA	797658	STRAW(NATIVE GRASS)/INCORPORATE MATERIALS/RIPPING(EARTHWORK
	SHN ENGINEERS & GEOLOGISTS WILLITS CA	N/A	CONTRACTOR SUPPLIED BIOLOGIST (LS)
	SHN ENGINEERS & GEOLOGISTS WILLITS CA	N/A	ITEM 18 (7.364%)

03/17/2015 10:53 FAX Received
707 998 8641

HANFORD ARC

Mar 17 2015 11:57am

007/016

ATTACHMENT B

Caltrans Decision on USS Cal Builders

Bid for Contract 08-3401U4

STATE OF CALIFORNIA - CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

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!

August 5, 2014

Facsimile: (714) 503-6805

Eric Othman, Secretary
USS Cal Builders, Inc.
8051 Main Street
Stanton, CA 90680

08-3401U4
08-SBd-2, 138-6.2/6.4,2.3/R15.2
B.O. 07/24/2014

Dear Mr. Othman:

The Department of Transportation (Caltrans) received a bid submitted by USS Cal Builders, Inc. (Cal Builders) for Contract 08-3401U4 on July 24, 2014. By this letter, Caltrans notifies Cal Builders that its bid is nonresponsive because it failed to properly complete the Subcontractor List form.

Caltrans 2010 revised Standard Specifications, Section 2-1.33C states in part, "...*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*". On the Subcontractors List form under Percentages of Bid Items Subcontracted, Cal Builders listed percentages that are representative of the total contract bid, rather than the percent of work to be performed.

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

Your attention is directed to Section 3-1.04 of 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.

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

Attachment

Received

Jul 25 2014 10:23am

10:26:06 a.m. 07-25-2014

2/4

7745086805

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
 083-08010422 (REV 3/2011)

Bidder Name: US8 Cal Builders, Inc.

The Bidder must identify each subcontractor performing work for the contract in accordance with 012 of the project file. The total bid for 012.000, which is the amount of the bid, must be included in the bid. Complete copies of the bid must be submitted with the bid and include 1227-0000 with the bid. Failure to provide complete information may result in the bid being rejected and the bidder being responsible for the cost of the bid.

Subcontractor Name	Contract No.	Percentage of Bid	Description of Subcontracted Work
① CED Construction Company 3100 E. Cedar St. #14 Ontario, CA 91764 Lic # 537200	73	1.2%	Clearing (Partial)
② CMC Repair 12451 Arroyo Pk Rowland, CA 91768 Lic # 735010	108, 118, 119, 127, 128	3.5%	Repair (Partial)
③ American Civil Constructors 3701 Piedmont Dr. Berkeley, CA 94710 Lic # 520319	65-67, 224(P)	0.1%	Dock Overhaul (Partial)
④ Avon Construction 47375 Fremont Blvd Fremont, CA 94538 Lic # 901885	107, 131	0.7%	Tiebacks (Partial)

For information only. This document is not a contract. For information call (916) 464-4318 or (916) 464-3888 or (916) 464-3889. For information call (916) 464-4318 or (916) 464-3888 or (916) 464-3889.

Received

Jul 25 2014 10:23am

7145036805

10:26:17 a.m. 07-25-2014

3/4

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
 DBP 08-3401U4 (REV. 3/2011)

Bidder Name: USC Cal Builders, Inc.

The bidder must identify each subcontractor performing work from an approved list of 1/2 of 1 percent of the total bid or \$10,000, whichever is greater (July 2011 Code 94100(a)(5)). Complete columns 2 and 3 and attach copies of the bid. Complete column 4 and attach copies of the bid or the 2013-2014 287-6002 within 24 hours after the bid opening. Failure to provide complete information in columns 2 through 4 will result in the bidder's bid being rejected.

Column 1: Bidder Name and Address
 Column 2: Bid Number
 Column 3: Percentage of Bid
 Column 4: Description of Work

Column 1: Bidder Name and Address	Column 2: Bid Number	Column 3: Percentage of Bid	Column 4: Description of Work
⑤ Acacia Environmental Construction 604 S. San Marcos Rd. Santa Barbara, CA 93101 Lic # 313236	18 88-95	2%	Landscaping (Partial)
④ Pacific Coast Markings 100 Park 294900 Phoenix, CA 92229 Lic # 286346	1, 29, 30 37-41 306, 210	0.95%	Striping (Partial)
③ Ace Fence Co. 151 35 Salt Lake Ave City of Industry, CA 91744 Lic # 801121	20-31 50-53 57, 350 179-181 185-186 189-190 192-196 198	2.16%	Fencing (Partial)

ADA Notice: For information on accessibility, visit www.dps.ca.gov/ada or call (916) 227-3119 or (916) 227-3119. For information on the State and Forest Management, call (916) 227-3119 or (916) 227-3119.

Received

Jul 25 2014 10:23am

7145096805

10:26:28 a.m. 07-25-2014

4/4

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
 (PS-015024 (Rev. 3/2011))

Bidder Name: **UBS-Cal Builders, Inc.**

The bidder must identify each subcontractor performing work in excess of 50% of the total bid or \$100,000, whichever is greater, from the Bid Item 07100 using "Contractors' List of Contractors" (PS-015024) Complete columns 2 and 3 and submit the list to the Bidder by the Bid Opening Date. The bidder must provide complete information for columns 1 through 4 of the list to the Bidder by the Bid Opening Date.

Column 1 - Bidder Name and Location	Column 2 - Bid Item No.	Column 3 - Bid Amount	Column 4 - Description of Subcontracted Work
⑧ Victor & Worth Inc. PO Box 1328 El Cajon, CA 92022 Lic # 622534	76.77 234(P)	0.76 ²⁰	Blasting (Partial)
⑨ Calnex Engineering 2741 S Vista Ave Pomona, CA 92514 Lic # 085994	98.97 98.100 101-106	33.46 ²⁰	Paving (Partial)
⑩ High Light Electric PO Box 3334 Phoenix, CA 92515 Lic # 804335	71 211-221 221(P)	2.17 ²⁰	Electrical (Partial)

ADA Notice: For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 227-4111 or TDD (916) 227-2889 or write to: Records and Policy Management, 1120 N Street, 15th Fl., Sacramento, CA 95834.

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

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

Aug 5 2014 04:52pm

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
917145036805	Normal	05:04:49pm	3'29"	4	# 0 K	

STATE OF CALIFORNIA - CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BERTNER Jr., Governor

DEPARTMENT OF TRANSPORTATION
 DIVISION OF ENGINEERING SERVICES
 OFFICE ENGINEER
 P.O. BOX 168041, MS-43
 SACRAMENTO, CA 95816-8041
 PHONE (916) 227-6282
 FAX (916) 227-6282
 TTY 711
 www.dot.ca.gov



Sortour drought.
Help save water!

August 5, 2014

Facsimile: (714) 503-6805

Eric Othman, Secretary
 USS Cal Builders, Inc.
 8051 Main Street
 Stanton, CA 90680

06-3401U4
 06-SBd-2, 136-6.2/6.4.2.5/R15.2
 B.O. 07/24/2014

Dear Mr. Othman:

The Department of Transportation (Caltrans) received a bid submitted by USS Cal Builders, Inc. (Cal Builders) for Contract 06-3401U4 on July 24, 2014. By this letter, Caltrans notifies Cal Builders that its bid is nonresponsive because it failed to properly complete the Subcontractor List form.

Caltrans 2010 revised Standard Specifications, Section 2-1.33C states in part, "...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". On the Subcontractor List form under Percentages of Bid Items Subcontracted, Cal Builders listed percentages that are representative of the total contract bid, rather than the percent of work to be performed.

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

Your attention is directed to Section 3-1.04 of 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.

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

Sincerely,


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

Attachment

ATTACHMENT C

Caltrans Decision on Martinez Landscape

Bid for Contract 07-183124

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN JR. Governor

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER
P. O. BOX 168041, MS-43
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6280
FAX (916) 227-6282
TTY 711
www.dot.ca.gov



Serious drought.
Help save water!

August 25, 2014

Facsimile: (818) 364-9188

Salvador Martinez, President
Martinez Landscape Company, Inc.
12357 San Fernando Road
Sylmar, CA 91342

07-183124
07-LA-710-9.8/18.4
B.O. 08/14/14

Dear Mr. Martinez:

The Department of Transportation (Caltrans) received a bid submitted by Martinez Landscape Company, Inc. (Martinez) for Contract No. 07-183124 on August 14, 2014. By this letter, Caltrans notifies Martinez that its bid is nonresponsive.

Section 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 Section 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.

Caltrans reviewed the bid documents from Martinez and was unable to determine the amount of work to be subcontracted for Statewide Traffic Safety & Signs.

Based on the above, Caltrans will proceed to award this contract to the lowest responsible bidder, provided that all requirements have been met.

Your attention is directed to Section 3-1.04 of 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.

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

Sincerely,

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

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

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

Aug 26 2014 08:48am

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
918183649958	Normal	26:08:47am	0' 18"	1	# O K	

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

FORNINO, G. BROWN, M. Director

DEPARTMENT OF TRANSPORTATION
 DIVISION OF ENGINEERING SERVICES
 OFFICE ENGINEER
 P. O. BOX 168041, MS-43
 SACRAMENTO, CA 95816-8041
 PHONE (916) 227-6280
 FAX (916) 227-6282
 TTY 711
 www.dot.ca.gov



*Serious thoughts,
Help save water!*

August 25, 2014

Facsimile: (818) 364-9188

Salvador Martinez, President
 Martinez Landscape Company, Inc.
 12357 San Fernando Road
 Sylmar, CA 91342

07-183124
 07-LA-710-9.8/18.4
 B.O. 08/14/14

Dear Mr. Martinez:

The Department of Transportation (Caltrans) received a bid submitted by Martinez Landscape Company, Inc. (Martinez) for Contract No. 07-183124 on August 14, 2014. By this letter, Caltrans notifies Martinez that its bid is nonresponsive.

Section 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 Cost Code Section 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.

Caltrans reviewed the bid documents from Martinez and was unable to determine the amount of work to be subcontracted for Statewide Traffic Safety & Signs.

Based on the above, Caltrans will proceed to award this contract to the lowest responsible bidder, provided that all requirements have been met.

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

Sincerely,

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

Hanford Applied Restoration & Conservation
23195 Maffei Road, Sonoma, CA 95476
707-996-6633 | 707-996-6641 | www.hanfordarc.com

Fax

TO:	Attn: John C. McMillan, Office Engineer	FROM:	Mark Cederborg
FAX:	916-227-6282	PAGES:	16 (Including cover)
PHONE:		DATE:	March 17, 2015
RE:	Contract No. 01-262054 , bid protest	CC:	

Comments:

Contract No. 01-262054

BID PROTEST