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.
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
**BID SUMMARY**

**STATE OF CALIFORNIA**

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

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

**WILLITS MITIGATION**  

**FEDERAL AID** NHP-Q101-Q(263)E  

**DB GOALS: DISADVANTAGED BUSINESS ENTERPRISE - 9.0%**  

**PROPOSALS ISSUED** 18  
**FUND TOTAL** 12,071,065.00  
**AMOUNT UNDER** 2,606,061.00  
**PERCENT UNDER EST** 21.59  

**TOTAL NUMBER OF WORKING DAYS** 1250  

**NUMBER OF BIDDERS** 5  
**ENGINEERS EST** 12,071,065.00  

<table>
<thead>
<tr>
<th>BID RANK</th>
<th>BID TOTAL</th>
<th>BIDDER ID</th>
<th>BIDDER INFORMATION (NAME/ADDRESS/LOCATION)</th>
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| 1        | 9,465,004.00| 5         | IO ENVIRONMENTAL & INFRASTRUCTURE, INC. 619 280-3278  
2840 ADAMS AVENUE, SUITE 301  
SAN DIEGO CA 92116  
FAX 619 677-5648 |  
| 2        | 12,631,396.79| 4         | HANFORD APPLIED RESTORATION & CONSERVATION 707 936-6633  
23195 MAFFEI RD.  
SONOMA CA 95476  
FAX 707 996-6641 |  
| 3        | 12,644,543.00| 1         | DESILVA GATES CONSTRUCTION 925 829-9220  
11555 DUBLIN BLVD  
DUBLIN CA 94568  
FAX 925 803-4263 |  
| 4        | 12,653,029.15| 3         | NATRES IMAGE, INC. 949 680-4400  
20361 HERMANA CIRCLE  
LAKE FOREST CA 92630  
FAX 949 680-4450 |  
| 5        | 16,745,035.50| 2         | MERCER-FRASER COMPANY 707 443-6371  
P.O. BOX 1006  
EUREKA CA 95502  
FAX 707 443-0277 |
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<tr>
<th>BIDDER ID</th>
<th>NAME AND ADDRESS</th>
<th>LICENSE NUMBER</th>
<th>DESCRIPTION OF PORTION OF WORK SUBCONTRACTED</th>
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<tr>
<td>05</td>
<td>AHTNA DESIGN-BUILD, INC.</td>
<td>972449</td>
<td>ITEMS 12-14 (1.515%)</td>
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<tr>
<td></td>
<td>IRVINE CA</td>
<td></td>
<td>ITEMS 16-17 (.561%)</td>
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<tr>
<td></td>
<td>IRVINE CA</td>
<td></td>
<td>ITEMS 20, 36, 40 (4.376%)</td>
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<tr>
<td></td>
<td>IRVINE CA</td>
<td></td>
<td>ITEMS 5-7 (1.702%)</td>
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<tr>
<td></td>
<td>IRVINE CA</td>
<td></td>
<td>ITEMS 8-9 (.792%)</td>
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<td></td>
<td>IRVINE CA</td>
<td>972449</td>
<td>PREPARE SWPPP/RAIN EVENT ACTION PLAN/STORMWATER SAMPLING/AN</td>
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<td></td>
<td>IRVINE CA</td>
<td></td>
<td>ROADSIDE CLEARING/ROCK SLOPE PROTECTION(PACING, METHOD B)/I</td>
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<td>IRVINE CA</td>
<td>972449</td>
<td>STORMWATER ANNUAL REPORT/MOVE-IN/MOVE-OUT (TEMP. EROSION CO</td>
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<td></td>
<td>IRVINE CA</td>
<td></td>
<td>TEMP. FENCE (ESA)/TEMP MARKER (ESA)</td>
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<tr>
<td></td>
<td>IRVINE CA</td>
<td>972449</td>
<td>TEMP. FIBER ROLL/TEMP. SILT FENCE/TEMP. CONSTRUCTION ENTRAN</td>
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<td></td>
<td>IRVINE CA</td>
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<td>ITEM 4 (.00187%)</td>
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<td></td>
<td>MTG, INC.</td>
<td>N/A</td>
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<td>SAN DIEGO CA</td>
<td></td>
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<tr>
<th>BIDDER ID</th>
<th>NAME AND ADDRESS</th>
<th>LICENSE NUMBER</th>
<th>DESCRIPTION OF PORTION OF WORK SUBCONTRACTED</th>
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<tbody>
<tr>
<td>05</td>
<td>MIGL, INC. SAN DIEGO CA</td>
<td>N/A</td>
<td>JOB SITE MANAGEMENT</td>
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<td>SELBY'S SOIL EROSION CONTROL CO., INC. NEWCASTLE CA</td>
<td>797658</td>
<td>DISKING (EARTHWORK)</td>
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<td>797658</td>
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<td>MOVE-IN/OUT (TEMP. EROSION CONTROL)/TEMPORARY TACKED STRAW</td>
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<td>05</td>
<td>SELBY'S SOIL EROSION CONTROL CO., INC. NEWCASTLE CA</td>
<td>797658</td>
<td>MOVE-IN/OUT (EROSION CONTROL)/EROSION CONTROL DRY SEED/EROSI</td>
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<td>05</td>
<td>SELBY'S SOIL EROSION CONTROL CO., INC. NEWCASTLE CA</td>
<td>797658</td>
<td>STRAW (NATIVE GRASS)/INCORPORATE MATERIALS/RIPPING (EARTHWORK)</td>
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<td>05</td>
<td>SHN ENGINEERS &amp; GEOLOGISTS WILLITS CA</td>
<td>N/A</td>
<td>CONTRACTOR SUPPLIED BIOLOGIST (LS)</td>
</tr>
<tr>
<td>05</td>
<td>SHN ENGINEERS &amp; GEOLOGISTS WILLITS CA</td>
<td>N/A</td>
<td>ITEM 18 (7.364%)</td>
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</tbody>
</table>
ATTACHMENT B

Caltrans Decision on USS Cal Builders

Bid for Contract 08-3401U4
August 5, 2014

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

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,

[Signature]

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

Attachment

"Caltrans improves mobility across California"
<table>
<thead>
<tr>
<th>Contract No. 08-34011U4</th>
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<tr>
<td>Subject</td>
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<tr>
<td>-----------------------</td>
</tr>
<tr>
<td>Acacia Environment</td>
</tr>
<tr>
<td>Pacific Coast Materials</td>
</tr>
<tr>
<td>Ace Fence Co</td>
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**Contract No. 08-3401U4**

15
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<tr>
<th>Category</th>
<th>Vendor Name</th>
<th>Address</th>
<th>Quantity</th>
<th>Unit Price</th>
<th>Total Price</th>
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<td>Blasting (Partial)</td>
<td>Ehrlich &amp; Watt Inc</td>
<td>PO Box 1928, CA 90222</td>
<td>0.74</td>
<td>$124.45</td>
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<td>Paving (Partial)</td>
<td>Cunningham Engineering</td>
<td>2720 S. Vista Ave, CA 92566</td>
<td>33.46</td>
<td>$18,000</td>
<td>$602,320</td>
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<td>Electrical (Partial)</td>
<td>Faraday Electric Inc</td>
<td>2834, CA 9234</td>
<td>2.19</td>
<td>$721.45</td>
<td>$1,576</td>
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</tbody>
</table>

**Contract No.** 08-3401U4
August 5, 2014

Eric Ohman, Secretary
USS Cal Builders, Inc.
8051 Main Street
Stanford, CA 90560

Dear Mr. Ohman:

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 receiving 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) 227-6226.

Sincerely,

[Signature]

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

Attachment

"Caltrans engineered solution across California"
ATTACHMENT C

Caltrans Decision on Martinez Landscape

Bid for Contract 07-183124
August 25, 2014

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

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 Melissa Smith, Contract Awards Branch Chief, at (916) 227-6228.

Sincerely,

[Signature]

JOHN C. MCMILLAN
Deputy Division Chief
Office Engineer
Division of Engineering Services
STATE OF CALIFORNIA - CALIFORNIA STATE TRANSPORTATION AGENCY

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER
P.O. BOX 16601, MG-43
SACRAMENTO, CA 95815-0041
PHONE (916) 227-6282
FAX (916) 227-6282
TTY 711
www.dot.ca.gov

August 25, 2014

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

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 2-1.3.3 C, 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. Code Section 40100 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 Melissa Smith, Contract Awards Branch Chief, at (916) 227-8228.

Sincerely,

[Signature]

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

Facsimile: (916) 364-9188
07-183124
07-LA-710-9.8/18.4
B.O. 08/14/14
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