

MERCER-FRASER COMPANY
CONTRACTORS & ENGINEERS
Since 1870

May 5, 2015

Mr. John McMillan, Office Engineer
State of California
Department of Transportation
Office Engineer MSC 43
1727 30th Street
Sacramento, Ca 95816

Reference: Caltrans Contract 01-493704

Subject: McCullough Construction-Non Responsive Bidder/Our Letter of May 4th

Mr. McMillan:

This correspondence is to further clarify our letter to you of May 4th regarding McCullough's non-responsiveness. McCullough Construction's bid is non-responsive as it listed their subcontractor percentages as a percentage of the total contract amount and not a percentage of the bid item amounts as specifically required to do pursuant to Revised Standard Specifications, Section 2-1.10, which states in part "... For each subcontractor listed, the Subcontractor List form must show...description of portion of subcontracted work, bid items numbers for the work involved in the portion of the work listed, percentage of the portion of work in each bid item listed..."

As two examples, please find attached the quotes from Central Striping Service and Miller Farms provided for this project verifying both firm's bid amounts. McCullough listed Central Striping and Miller Farms, as well as others, as subcontractors. Referencing McCullough's submitted subcontractor percentage listings, it is evident that McCullough listed their Subcontractor percentages as a percentage of the total contract amount, and not as a percentage of the total bid item amounts, as required. Similarly, it is evident that the other remaining listed subcontractor's percentages were also submitted as a percentage of the total contract amount, and not a percentage of the total bid item amounts as required.

This is a clear material violation of the bidding specifications that cannot be waived as evidenced by other Caltrans determinations regarding these defective failures (examples attached). Based on the foregoing information, McCullough Construction's bid should be deemed non-responsive for this contract.

Respectfully,

MERCER-FRASER COMPANY



Charles M. Anderson
Project Manager

Attachments: McCullough Construction's Subcontractor List
Quote from Central Striping Service
Quote from Miller Farms Nursery
Section 2-1.10 of the Revised Standard Specifications
Rejection Letter to Los Angeles Engineering, Inc
Rejection Letter to Trent Construction

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
Contract No.: 01-493704 Project ID: 0100000478
Bidder Name: McCullough Construction Inc
DES-OE-0102.2B (REV 5/2014)

Bidder ID: VC1400003011

Bidding Firm: McCullough Construction Inc

List this sub? Yes

1) Business Name Miller Farms Nursery Inc
Location City 1828 Central Avenue McKinleyville State CA
California Contractor License Number 365302
CA Department of Industrial Relations' Registration Number 1000006690
Portion of Work Subcontracted:

Item #	Description
32	.25 hydroseed

List this sub? Yes

2) Business Name Central Striping Service Inc
Location City 3489 Luyung Drive Rancho Cordova State CA
California Contractor License Number 403896
CA Department of Industrial Relations' Registration Number 1000006499
Portion of Work Subcontracted:

Item #	Description
72	.02 4" Thermoplastic Traffic Stripe (Broken 18-12) (EWNV)
73	.09 4" Thermoplastic Traffic Stripe (EWNV)
74	.01 4" Thermoplastic Traffic Stripe (Broken 12-3) (EWNV)
75	.05 4" Thermoplastic Traffic Stripe (Broken 36-12) (EWNV)
76	.00 8" Thermoplastic Traffic Stripe (EWNV)

List this sub? Yes

3) Business Name Central Striping Service Inc
Location City 3489 Luyung Drive Rancho Cordova State CA
California Contractor License Number 403896
CA Department of Industrial Relations' Registration Number 1000006499
Portion of Work Subcontracted:

Item #	Description
77	.26 Thermoplastic Pavement Markings (EWNV)
78	.19 Pavement Marker
81	.25 Mobilization

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
 Contract No.: 01-493704 Project ID: 0100000478
 Bidder Name: McCullough Construction Inc Bidder ID: VC1400003011
 DES-OE-0102.2B (REV 5/2014)

Bidding Firm: McCullough Construction Inc

List this sub? Yes

4) Business Name Darren Taylon Construction
 Location City 19662 N. Hirsch Ct. Suite 4, Anderson State CA
 California Contractor License Number 903262
 CA Department of Industrial Relations' Registration Number 1000005101
 Portion of Work Subcontracted:

Item #	Description
35 9.76	Hot Mix Asphalt Paving
36 1.30	Geosynthetic pavement interlayer
37 .42	Placing Hot Mix Asphalt (misc areas)
38 1.25	Tack Coat
25 1.71	Cold Plane Asphalt Concrete Pavement

List this sub? Yes

5) Business Name Darren Taylon Construction
 Location City 19662 N. Hirsch Ct. Suite 4, Anderson State Ca
 California Contractor License Number 903262
 CA Department of Industrial Relations' Registration Number 1000005101
 Portion of Work Subcontracted:

Item #	Description
30 1.70	shoulder backing
34 1.13	Replace Asphalt Concrete Surfacing
60 3.25	Minor Concrete
61 .21	Detectable Warning Surface
68 .37	Vegetation Control (Minor Concrete)

List this sub? Yes

6) Business Name Darren Taylon Construction
 Location City 19662 N. Hirsch Ct. Suite 4, Anderson State CA
 California Contractor License Number 903262
 CA Department of Industrial Relations' Registration Number 1000005101
 Portion of Work Subcontracted:

Item #	Description
69 1.30	Concrete Barrier

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 01-493704 Project ID: 0100000478

Bidder Name: McCullough Construction Inc

Bidder ID: VC1400003011

DES-OE-0102.2B(REV 5/2014)

Bidding Firm: McCullough Construction Inc

List this sub? Yes

7) Business Name Apex Fence CO
 Location City 19896 Alexander Ave Anderson State CA
 California Contractor License Number 269127
 CA Department of Industrial Relations' Registration Number 1000007379
 Portion of Work Subcontracted:

Item #	Description
17 .03	Treated Wood Waste
19 .09	Remove Gaurdrail
23 .50	Reconstruct Gaurdrail
39 .42	Rail Element
63 .007	Milepost Marker

List this sub? Yes

8) Business Name Apex Fence CO
 Location City 19896 Alexander Ave Anderson State CA
 California Contractor License Number 269127
 CA Department of Industrial Relations' Registration Number 1000007379
 Portion of Work Subcontracted:

Item #	Description
64 .06	Marker Culvert
65 .01	Object Marker (Type P)
66 .01	Object Marker (Type L-1)
67 .02	Object Marker (Type L-2)
68 .63	Vegetation Control

List this sub? Yes

9) Business Name Apex Fence CO
 Location City 19896 Alexander Ave Anderson State CA
 California Contractor License Number 269127
 CA Department of Industrial Relations' Registration Number 1000007379
 Portion of Work Subcontracted:

Item #	Description
70 .38	Transition Railing (Type WB-Special)
71 .38	Alternative In-Line Terminal System

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 01-493704 Project ID: 0100000478

Bidder Name: McCullough Construction Inc

Bidder ID: VC1400003011

DES-OE-0102.2B (REV 5/2014)

Bidding Firm: McCullough Construction Inc

List this sub? Yes

10) Business Name Robert Colburn Electric, Inc

Location City PO Box 3667 Eureka State CA

California Contractor License Number 750471

CA Department of Industrial Relations' Registration Number 1000000666

Portion of Work Subcontracted:

Item	Q	Description
79	1.91	LED Crosswalk System
80	5.15	Radar Feedback signs

From: Central Striping Fax: (916) 999-1272

To: Fax: +1 (707) 443-0277

Page 2 of 3 04/07/2015 11:07 AM



California LIC #103896 CLASS C32
Hawaii LIC #C-11288
Nevada LIC #0039313
Idaho LIC #018034-AA-4
Small Business Enterprise #0020572
DIR # 1000006499

Bid Proposal

TO: Contractor _____
LOCATION: Rte 96 Hoopa, Ca _____
PROJECT: Caltrans 01-193704 _____

QUOTED BY: Kenneth Ickes _____
BID DATE: Tuesday, April 7, 2015 _____
BID TIME: 2:00 PM _____

ITEM NO.	ITEM DESCRIPTION	UNITS	UOM	UNIT PRICE	TOTAL AMOUNT
72	4" THERMOPLASTIC TRAFFIC STRIPE (BROKEN 18-12)(EWNV)	1,830	LF	0.25	457.50
73	4" THERMOPLASTIC TRAFFIC STRIPE (EWNV)	40,100	LF	0.50	20,050.00
74	4" THERMOPLASTIC TRAFFIC STRIPE (BROKEN 12-3)(EWNV)	1,340	LF	0.25	335.00
75	4" THERMOPLASTIC TRAFFIC STRIPE (BROKEN 36-12)(EWNV)	4,900	LF	0.25	1,225.00
76	8" THERMOPLASTIC TRAFFIC STRIPE (EWNV)	84	SF	1.00	84.00
77	THERMOPLASTIC PAVEMENT MARKING (EWNV)	1,480	LF	4.25	6,290.00
78	PAVEMENT MARKER (RETROREFLECTIVE)	910	EA	5.00	4,550.00
81	MOBILIZATION	1	LS	6,000.00	6,000.00
				TOTAL	\$ 38,991.50

ACCEPTED BY : _____
TITLE : _____
P.O # OR CCO # : _____

Miller Farms NURSERY INC.

Landscape • Excavation • Fencing • Power Equipment Sales & Service
Irrigation Systems • Nursery & Landscape Materials

"Grow With Us"

April 3, 2015

CALTRANS LOOP ROAD #01-493704

Item 32, 210430, HYDROSEED @ \$0.14/SQ. FT. = \$6,020.00



1828 CENTRAL AVENUE • P.O. BOX 2145 • MCKINLEYVILLE, CALIFORNIA 95519 • 707-839-1571 • FAX 707-839-2563

CONTRACTORS LICENSE NO. 365302 CLASS A, B, C-13 & C27

If rock cores are available, you may view them by sending a request to Coreroom@dot.ca.gov.

If other supplemental project information is available for inspection, you may view it by phoning in a request.

Make your request at least 7 days before viewing. Include in your request:

1. District-County-Route
2. Contract number
3. Viewing date
4. Contact information, including telephone number

For rock cores, also include the bridge number in your request.

If bridge as-built drawings are available:

1. For a project in District 1 through 6 or 10, you may request them from the Office of Structure Maintenance and Investigations, fax (916) 227-8357
2. For a project in District 7, 8, 9, 11, or 12, you may request them from the Office of Structure Maintenance and Investigations, fax (916) 227-8357, and they are available at the Office of Structure Maintenance and Investigations, Los Angeles, CA, telephone (213) 897-0877

As-built drawings may not show existing dimensions and conditions. Where new construction dimensions are dependent on existing bridge dimensions, verify the field dimensions and adjust dimensions of the work to fit existing conditions.

2-1.06C-2-1.06D Reserved

2-1.07 JOB SITE AND DOCUMENT EXAMINATION

Examine the job site and bid documents. Notify the Department of apparent errors and patent ambiguities in the plans, specifications, and Bid Item List. Failure to do so may result in rejection of a bid or rescission of an award.

Bid submission is your acknowledgment that you have examined the job site and bid documents and are satisfied with:

1. General and local conditions to be encountered
2. Character, quality, and scope of work to be performed
3. Quantities of materials to be furnished
4. Character, quality, and quantity of surface and subsurface materials or obstacles
5. Requirements of the contract

2-1.08 RESERVED

02-21-14

2-1.09 BID ITEM LIST

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

2-1.10 SUBCONTRACTOR LIST

06-08-14

On the Subcontractor List form, 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.).

For each subcontractor listed, the Subcontractor List form must show:

1. Business name and the location of its place of business.
2. For a non-federal-aid contract, its California contractor license number.
3. Portion of work it will perform. Show the portion of the work by:
 - 3.1. Description of portion of subcontracted work
 - 3.2. Bid item numbers for the work involved in the portion of work listed
 - 3.3. Percentage of the portion of work in each bid item listed

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER

1727 30th STREET, MS 43
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6195
FAX (916) 227-6282
www.dot.ca.gov/ca.gov/esc/oe



*Flex your power!
Be energy efficient!*

September 17, 2013

Facsimile: (626) 454-5226

Aaron O'Brien, Chief Estimator
Los Angeles Engineering, Inc.
633 N. Barranca Ave
Covina, CA 91716

07-278304
07-LA-405-4.3
B.O. 09/05/2013

Dear Mr. O'Brien:

The Department of Transportation (Caltrans) received a bid submitted by Los Angeles Engineering, Inc. (Los Angeles Engineering) for Contract 07-278304 on September 05, 2013. Caltrans notifies Los Angeles Engineering that its bid is nonresponsive because it failed to properly submit the Subcontractor List.

Caltrans 2010 Standard Specifications, Section 2-1.33C Subcontractor List 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 in column 3, Los Angeles Engineering listed percentages that are representative of the total contract bid, rather than the percent of the bid item(s) subcontracted. As a result, Caltrans was unable to determine the actual percentage of work being performed.

Based on the above, Caltrans finds Los Angeles Engineering's bid is nonresponsive. Caltrans will proceed to award the contract to the lowest responsible bidder provided all requirements are met.

Your attention is directed to Section 3-1.04 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

Attachments

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
DES-OE-0102.2 (REV 3/2011)

Bidder Name: Los Angeles Engineering, :

The bidder must identify each subcontractor performing 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.). Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916) 227-6282 within 24 hours after the bid opening. Failure to provide complete information in columns 1 through 4 within the time specified will result in a nonresponsive bid.

Column 1: Business Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
Dynatelec, Los Alamitos	107-109 Partial	2.2%	Electrical
Alcoen Fence, Sun Valley	20, 32, 33, 92 93, 94, 97, 98 Partial	1.3%	Fencing
Fiber Wrap, Ontario	81 Partial	2%	Column Casing
Cal Stripe, Colton	19, 21-25, 99-105 Partial	1.0%	Striping
American Steel Placer, San Bernardino	73, 79, 80, 95, 96 Partial	4.1%	Rebar
Confab California Corp, Lathrop	74-76 Partial	6%	Pre Cast Girders
ACL, Ontario	95, 96 Partial	1.1%	concrete barrier
Harper Co., San Bernardino	38 Partial	6.1%	Demolition
Dwidag Eye Int'l, Long Beach	69 Partial	0.6%	Post Tension

ADA Notice For individuals with sensory disabilities, this document is available in alternate format. For information call (916) 654-8410 or TDD (916) 654-3888 or with Records and Forms Management, 1120 N Street, MS-69, Sacramento, CA 95814.

VLS

STATE OF CALIFORNIA - CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr. Governor

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER
1727 30th STREET, MS-43
P.O. BOX 168041
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6299
FAX (916) 227-6282
TTY 711
www.dot.ca.gov



Serious drought.
Help save water!

March 27, 2015

Facsimile: (530) 385-1421

Kendel Trent, President
Trent Construction
8270 Truckee Avenue
Gerber, CA 96035

02-0E3604
02-Teh-5-10.5
B.O. 02/26/15

Dear Mr. Trent:

The Department of Transportation (Caltrans) received a bid submitted by Trent Construction (Trent) for Contract 02-0E3604 on February 26, 2015. Caltrans notifies Trent that its bid is nonresponsive since Trent did not comply with Addendum 1, dated January 16, 2015, Section 2-1.33, Bid Document Completion and Submittal, which states in part:

All Contracts - Bid item numbers and percentage of bid item subcontracted on the Subcontractors List form. The Subcontractors List form must show the name, address, and work portions to be performed by each subcontractor listed. If the information is not submitted at the time of bid, fax it to (916) 227-6282.

In the Percentages of Bid Items Subcontracted line on the Subcontractors List form submitted with the bid, Trent 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 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

MERCER-FRASER COMPANY

FACSIMILE TRANSMITTAL SHEET

TO:	John McMillan	FROM:	Charlie Anderson
COMPANY:	CalTrans	DATE:	5-5-15
FAX NUMBER:	(916) 227-6282	TOTAL NO. OF PAGES INCLUDING COVER:	13
RE:	Contract 01-493704		

URGENT
 FOR REVIEW
 PLEASE COMMENT
 PLEASE REPLY
 PLEASE RECYCLE

NOTES/COMMENTS.