EAGLE PEAK
ROCK & PAVING
PO BOX 679
ALTURAS, CA 96101
Phone: (530) 233-4588 • Fax: (530) 233-4918

January 21, 2016

State of California
Department of Transportation
1727 30th Street, MS-43
Sacramento, CA 95816
Fax: 916-227-6282

ATTN: John C. McMillan, Deputy Division Chief, Office Engineer

RE: Contract #02-4G2204

Mr. McMillan;

Please consider this a letter of formal protest of the bid submitted by Hat Creek Construction & Materials, Inc. for Contract No. 02-4G2204. We request that Hat Creek Construction & Materials, Inc. be found non-responsive for the following reasons:

- Hat Creek Construction claimed a Non-Small Business Subcontractor Preference.
- Hat Creek Construction did not submit a Certified Small Business Listing for the Non-Small Business Preference form showing the subcontracting of at least 25% of the contract to Certified Small Businesses no later than 4:00 PM on the 2nd day after the bid opening.
- Hat Creek Construction has not listed 25% of the bid as subcontractors in their bid submission.

In summary, the specifications Section 2-1.18C clearly states that in order to claim a Non-Small Business Subcontractor Preference, you must subcontract at least 25% to Certified Small Businesses and submit a Certified Small Business listing within the 2nd day after the bid by 4:00 PM. This was not done. Therefore, Eagle Peak Rock & Paving, Inc. contends that Hat Creek Construction & Materials, Inc. should be declared non-responsive and the State should proceed to award the bid to the lowest responsive and responsible bidder, Eagle Peak Rock & Paving, Inc.

Cordially Yours,

Matt Cruse
General Manager

Line Number	Item Code	Item Description	Subcontactor Listed	Percent Subcontracted	Bid Amount	Subcontracted Amount	Percent of Total Bid
1	070030	LEAD COMPLIANCE PLAN			1,000.00	-	0.00%
2	120090	CONSTRUCTION AREA SIGNS	T and S DVBE, Inc.	100.00%	2,000.00	2,000.00	0.17%
3	120100	TRAFFIC CONTROL SYSTEM	T and S DVBE, Inc.	72.60%	81,175.00	58,933.05	5.14%
4	128652	PORTABLE CHANGEABLE MESSAGE SIGN			3,000.00	-	0.00%
5	130100	JOB SITE MANAGEMENT			15,000.00	-	0.00%
6	130200	PREPARE WATER POLLUTION CONTROL PROGRAM			1,500.00	-	0.00%
7	030340	TEMPORARY CREEK DIVERSION			5,000.00	-	0.00%
8	130570	TEMPORARY COVER			200.00	-	0.00%
9	130620	TEMPORARY DRAINAGE INLET PROTECTION			1,500.00	-	0.00%
10	130650	TEMPORARY GRAVEL BAG BERM			360.00	-	0.00%
11	130900	TEMPORARY CONCRETE WASHOUT			2,500.00	-	0.00%
12	141000	TEMPORARY FENCE (TYPE ESA)			3,780.00	-	0.00%
13	141120	TREATED WOOD WASTE	Apex Fence Co., Inc.	100.00%	840.00	840.00	0.07%
14	150630	REMOVE MARKER			160.00	-	0.00%
15	150715	REMOVE THERMOPLASTIC PAVEMENT MARKING			1,800.00	-	0.00%
16	150809	REMOVE CULVERT			890.00	-	0.00%
17	151224	REMOVE DELINEATOR			310.00	-	0.00%
18	151512	RECONSTRUCT INLET			3,000.00	-	0.00%
19	030341	RECONSTRUCT TERMINAL SYSTEM	Apex Fence Co., Inc.	100.00%	3,000.00	3,000.00	0.26%
20	152501	ADJUST GUARDRAIL	Apex Fence Co., Inc.	100.00%	1,360.00	1,360.00	0.12%
21	153103	COLD PLANE ASPHALT CONCRETE PAVEMENT	Darren Taylor Constn	34.40%	8,280.00	2,848.32	0.25%
22	153121	REMOVE CONCRETE			1,800.00	-	0.00%
23	160102	CLEARING AND GRUBBING			15,000.00	-	0.00%
24	170101	DEVELOP WATER SUPPLY			1,000.00	-	0.00%
25	190101	ROADWAY EXCAVATION			6,600.00	-	0.00%
26	190185	SHOULDER BACKING TON			24,750.00	-	0.00%
27	200114	ROCK BLANKET			5,940.00	-	0.00%
28	210210	EROSION CONTROL (DRY SEED)			1,380.00	-	0.00%
29	210280	ROLLED EROSION CONTROL PRODUCT (BLANKET)			1,470.00	-	0.00%
30	210420	STRAW			203.00	-	0.00%
31	260203	CLASS 2 AGGREGATE BASE			7,500.00	-	0.00%
32	390011	PREPAVING INERTIAL PROFILER			5,000.00	-	0.00%
33	390020	PREPAVING GRINDING DAY	Pinnacle Grinding	61.90%	36,000.00	22,284.00	1.94%
34	390095	REPLACE ASPHALT CONCRETE SURFACING	Darren Taylor Constn	16.60%	146,250.00	24,277.50	2.12%
35	390132	HOT MIX ASPHALT (TYPE A)			596,400.00	-	0.00%
36	394060	DATA CORE			5,000.00	-	0.00%
37	394073	PLACE HOT MIX ASPHALT DIKE (TYPE A)			9,600.00	-	0.00%
38	394090	PLACE HOT MIX ASPHALT (MISCELLANEOUS AREA)			3,750.00	-	0.00%
39	397005	TACK COAT			12,000.00	-	0.00%
40 (F)	510502	MINOR CONCRETE (MINOR STRUCTURE)			45,878.00	-	0.00%
41	665024	24" CORRUGATED STEEL PIPE (.109" THICK)			24,600.00	-	0.00%
42	690110	12" CORRUGATED STEEL PIPE DOWNDRAIN			4,800.00	-	0.00%
43	705015	24" STEEL FLARED END SECTION			1,200.00	-	0.00%
44 (F)	750001	MISCELLANEOUS IRON AND STEEL			3,224.00	-	0.00%
45	820108	DELINEATOR (CLASS 2)	Apex Fence Co., Inc.	100.00%	2,000.00	2,000.00	0.17%
46	820110	MILEPOST MARKER	Apex Fence Co., Inc.	100.00%	275.00	275.00	0.02%
47	820112	MARKER (CULVERT)	Apex Fence Co., Inc.	100.00%	350.00	350.00	0.03%
48	820151	OBJECT MARKER (TYPE L-1)	Apex Fence Co., Inc.	100.00%	220.00	220.00	0.02%
49	832002	METAL BEAM GUARD RAILING (STEEL POST)	Apex Fence Co., Inc.	100.00%	24,610.00	24,610.00	2.15%
50	839581	END ANCHOR ASSEMBLY (TYPE SFT)	Apex Fence Co., Inc.	100.00%	850.00	850.00	0.07%
51	030342	INTERMEDIATE ANCHOR ASSEMBLY	Apex Fence Co., Inc.	100.00%	750.00	750.00	0.07%
52	839585	ALTERNATIVE FLARED TERMINAL SYSTEM	Apex Fence Co., Inc.	100.00%	2,500.00	2,500.00	0.22%
53	840515	THERMOPLASTIC PAVEMENT MARKING SQFT	Apply-A-Line	100.00%	3,240.00	3,240.00	0.28%
54	840560	THERMOPLASTIC TRAFFIC STRIPE (SPRAYABLE	Apply-A-Line	100.00%	16,080.00	16,080.00	1.40%
					1,146,875.00	166,417.87	14.51%

STATE OF CALIFORNIA B I D S U M M A R Y DEPARTMENT OF TRANSPORTATION BID211
PAGE 1
01/15/16

BID OPENING DATE 01/14/16
CONTRACT NUMBER 02-4G2204
LOCATION 02-MOD-299-52.2/54.7

IN MODOC COUNTY NEAR CEDARVILLE
FROM 4.7 MILES WEST TO 2.1 MILES
WEST OF PATTERSON STREET.

CONTRACT CODE 'E '
54 CONTRACT ITEMS

PAVEMENT REHAB

FEDERAL AID NONE

DVBE GOALS: DISABLED VETERANS BUSINESS ENTERPRISES - 5.0%

PROPOSALS ISSUED 5 FUND TOTAL 0 TOTAL NUMBER OF WORKING DAYS 30

NUMBER OF BIDDERS 3 ENGINEERS EST 904,374.10 AMOUNT OVER 242,500.90 PERCENT OVER EST 26.81

BID RANK	BID TOTAL	BIDDER ID	BIDDER INFORMATION (NAME/ADDRESS/LOCATION)		
1	1,146,875.00	2	KAT CREEK CONSTRUCTION & MATERIALS, INC. 24339 HWY 89 N. BURNEY CA 96013	530 335-5501 00590546 FAX 530 335-5510	NSB PREF CLAIMED
2	1,148,125.50	3	EAGLE PEAK ROCK & PAVING 886 FITCH RD ALTURAS CA 96101	530 233-4568 00735761 FAX 530 233-4918	CC PREF CLAIMED
3	1,278,960.50	1	S.T. RHOADES CONSTRUCTION, INC. 8585 COMMERCIAL WAY REDDING CA 96002	530 223-9322 00930684 FAX 530 223-9222	SB PREF CLAIMED BID IS OVER SBP PREFERENCE LIMITS

IN ACCORDANCE WITH G.C.14838, THE DEPARTMENT OF TRANSPORTATION SHALL APPLY THE SMALL BUSINESS PREFERENCE TO ELIGIBLE FIRMS FIRST, THEN APPLIES THE NON-SMALL BUSINESS PREFERENCE IF DOING SO WOULD NOT DISPLACE A SMALL BUSINESS FROM AWARD OF THE CONTRACT.

Jan. 26. 2016 2:48PM Eagle Peak Rock & Paving No. 8413 P. 3/15

Item No.	Item Code	Item Description	Estimated Quantity / Unit of Measure	Unit Price	Item Total
1	070030	LEAD COMPLIANCE PLAN	LUMP SUM LS	LUMP SUM	1,000.00
2	120090	CONSTRUCTION AREA SIGNS	LUMP SUM LS	LUMP SUM	2,000.00
3	120100	TRAFFIC CONTROL SYSTEM	LUMP SUM LS	LUMP SUM	81,175.00
4	128652	PORTABLE CHANGEABLE MESSAGE SIGN (LS)	LUMP SUM LS	LUMP SUM	3,000.00
5	130100	JOB SITE MANAGEMENT	LUMP SUM LS	LUMP SUM	15,000.00
6	130200	PREPARE WATER POLLUTION CONTROL PROGRAM	LUMP SUM LS	LUMP SUM	1,500.00
7	030340	TEMPORARY CREEK DIVERSION	LUMP SUM LS	LUMP SUM	5,000.00
8	130570	TEMPORARY COVER	10.0 SQYD	20.00	200.00
9	130620	TEMPORARY DRAINAGE INLET PROTECTION	5.0 EA	300.00	1,500.00
10	130650	TEMPORARY GRAVEL BAG BERM	30.0 LF	12.00	360.00
11	130900	TEMPORARY CONCRETE WASHOUT	LUMP SUM LS	LUMP SUM	2,500.00
12	141000	TEMPORARY FENCE (TYPE ESA)	630.0 LF	6.00	3,780.00

Item No.	Item Code	Item Description	Estimated Quantity	Unit of Measure	Unit Price	Item Total
13	141120	TREATED WOOD WASTE	840.0	LB	1.00	840.00
14	150630	REMOVE MARKER	16.0	EA	10.00	160.00
15	150715	REMOVE THERMOPLASTIC PAVEMENT MARKING	180.0	SQFT	10.00	1,800.00
16	150809	REMOVE CULVERT (LF)	89.0	LF	10.00	890.00
17	151224	REMOVE DELINEATOR	31.0	EA	10.00	310.00
18	151512	RECONSTRUCT INLET	1.0	EA	3,000.00	3,000.00
19	030341	RECONSTRUCT TERMINAL SYSTEM	2.0	EA	1,500.00	3,000.00
20	152501	ADJUST GUARDRAIL	68.0	LF	20.00	1,360.00
21	153103	COLD PLANE ASPHALT CONCRETE PAVEMENT	360.0	SQYD	23.00	8,280.00
22	153121	REMOVE CONCRETE (CY)	6.0	CY	300.00	1,800.00
23	160102	CLEARING AND GRUBBING (LS)	LUMP SUM	LS	LUMP SUM	15,000.00
24	170101	DEVELOP WATER SUPPLY	LUMP SUM	LS	LUMP SUM	1,000.00

Item No.	Item Code	Item Description	Estimated Quantity / Unit of Measure	Unit Price	Item Total
25	190101	ROADWAY EXCAVATION	44.0 CY	150.00	6,600.00
26	190185	SHOULDER BACKING	450.0 TON	55.00	24,750.00
27	200114	ROCK BLANKET	99.0 SQFT	60.00	5,940.00
28	210210	EROSION CONTROL (DRY SEED) (SQFT)	690.0 SQFT	2.00	1,380.00
29	210280	ROLLED EROSION CONTROL PRODUCT (BLANKET)	350.0 SQFT	4.20	1,470.00
30	210420	STRAW	350.0 SQFT	0.58	203.00
31	260203	CLASS 2 AGGREGATE BASE (CY)	25.0 CY	300.00	7,500.00
32	390011	PREPAVING INERTIAL PROFILER	LUMP SUM LS	LUMP SUM	5,000.00
33	390020	PREPAVING GRINDING DAY	3.0 EA	12,000.00	36,000.00
34	390095	REPLACE ASPHALT CONCRETE SURFACING	450.0 CY	325.00	146,250.00
35	390132	HOT MIX ASPHALT (TYPE A)	5,680.0 TON	105.00	596,400.00
36	394060	DATA CORE	LUMP SUM LS	LUMP SUM	5,000.00

Item No.	Item Code	Item Description	Estimated Quantity	Unit of Measure	Unit Price	Item Total
37	394073	PLACE HOT MIX ASPHALT DIKE (TYPE A)	960.0	LF	10.00	9,600.00
38	394090	PLACE HOT MIX ASPHALT (MISCELLANEOUS AREA)	150.0	SQYD	25.00	3,750.00
39	397005	TACK COAT	4.0	TON	3,000.00	12,000.00
40(F)	510502	MINOR CONCRETE (MINOR STRUCTURE)	7.0	CY	6,554.00	45,878.00
41	665024	24" CORRUGATED STEEL PIPE (.109" THICK)	120.0	LF	205.00	24,600.00
42	690110	12" CORRUGATED STEEL PIPE DOWNDRAIN	16.0	LF	300.00	4,800.00
43	705015	24" STEEL FLARED END SECTION	2.0	EA	600.00	1,200.00
44(F)	750001	MISCELLANEOUS IRON AND STEEL	1,612.0	LB	2.00	3,224.00
45	820108	DELINEATOR (CLASS 2)	40.0	EA	50.00	2,000.00
46	820110	MILEPOST MARKER	5.0	EA	55.00	275.00
47	820112	MARKER (CULVERT)	7.0	EA	50.00	350.00
48	820151	OBJECT MARKER (TYPE L-1)	4.0	EA	55.00	220.00

Contract No.: 02-4G2204 Project ID: 0215000086
Bidder Name: Hat Creek Construction & Materials, Inc. Bidder ID: VC0000014024

Item No.	Item Code	Item Description	Estimated Quantity / Unit of Measure	Unit Price	Item Total
49	832002	METAL BEAM GUARD RAILING (STEEL POST)	1,070.0 LF	23.00	24,610.00
50	839581	END ANCHOR ASSEMBLY (TYPE SFT)	1.0 EA	850.00	850.00
51	030342	INTERMEDIATE ANCHOR ASSEMBLY	1.0 EA	750.00	750.00
52	839585	ALTERNATIVE FLARED TERMINAL SYSTEM	1.0 EA	2,500.00	2,500.00
53	840515	THERMOPLASTIC PAVEMENT MARKING	180.0 SQFT	18.00	3,240.00
54	840560	THERMOPLASTIC TRAFFIC STRIPE (SPRAYABLE)	40,200.0 LF	0.40	16,080.00
		Total Bid			$1,146,875.00

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
Contract No.: 02-4G2204 Project ID: 0213000086
Bidder Name: Hat Creek Construction & Materials, Inc. Bidder ID: VC0000014024
DES-OE-0102.2C (REV 03/2015)

Bidding Firm: Hat Creek Construction & Materials, Inc.

List this sub? Yes

1) Business Name Apex Fence Co., Inc.
Location City Anderson State CA
California Contractor License Number 269127
Public Works Contractor Registration Number 1000007379
Portion of Work Subcontracted:

Item	%	Description
13	100	Treated Wood Waste
19	100	Remove Guardrail
20	100	Adjust Guardrail
45	100	Delineator
46	100	Milepost Marker

List this sub? Yes

2) Business Name Apex Fence Co., Inc.
Location City Anderson State CA
California Contractor License Number 269127
Public Works Contractor Registration Number 1000007379
Portion of Work Subcontracted:

Item	%	Description
47	100	Marker (Culvert)
48	100	Object Marker
49	100	Metal Beam Guard Railing
50	100	End Anchor Assembly
51	100	Intermediate Anchor Assembly

List this sub? Yes

3) Business Name Apex Fence Co., Inc.
Location City Anderson State CA
California Contractor License Number 269127
Public Works Contractor Registration Number 1000007379
Portion of Work Subcontracted:

Item	%	Description
52	100	Alternative Flared Terminal System

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
Contract No.: 02-4G2204 Project ID: 0213000086
Bidder Name: Hat Creek Construction & Materials, Inc. Bidder ID: VC0000014024
DES-OE-0102.2C (REV 03/2015)

Bidding Firm: Hat Creek Construction & Materials, Inc.

List this sub? Yes

4) Business Name Pinnacle Grinding and Grooving
Location City Reno State NV
California Contractor License Number 995542
Public Works Contractor Registration Number 1000015174
Portion of Work Subcontracted:

Item	%	Description
33(P)	61.9	Pre-pave grinding day

List this sub? Yes

5) Business Name T and S DVBE, Inc.
Location City Anderson State CA
California Contractor License Number 983087
Public Works Contractor Registration Number 1000007688
Portion of Work Subcontracted:

Item	%	Description
2	100	Construction Area Signs
3(P)	72.6	Traffic Control

List this sub? Yes

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

Item	%	Description
53	100	Thermo Pavement Marking
54	100	Thermo Traffic Stripe

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
Contract No.: 02-4G2204 Project ID: 0213000086
Bidder Name: Hat Creek Construction & Materials, Inc. Bidder ID: VC0000014024
DES-OE-0102.2C (REV 03/2015)

Bidding Firm: Hat Creek Construction & Materials, Inc.

List this sub? Yes

7) Business Name Darren Taylor Construction Inc.
Location City Anderson State CA
California Contractor License Number 903262
Public Works Contractor Registration Number 1000005101
Portion of Work Subcontracted:

Item	%	Description
34(P)	16.6	Replace AC Surfacing
21(P)	34.4	Cold Plane AC Pavement

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
02	APEX FENCE CO., INC. ANDERSON CA	269127	ADJUST GUARDRAIL
	APEX FENCE CO., INC. ANDERSON CA	269127	ALTERNATIVE FLARED TERMINAL SYSTEM
	APEX FENCE CO., INC. ANDERSON CA	269127	DELINEATOR
	APEX FENCE CO., INC. ANDERSON CA	269127	END ANCHOR ASSEMBLY
	APEX FENCE CO., INC. ANDERSON CA	269127	INTERMEDIATE ANCHOR ASSEMBLY
	APEX FENCE CO., INC. ANDERSON CA	269127	ITEM 13 (100%)
	APEX FENCE CO., INC. ANDERSON CA	269127	ITEM 19 (100%)
	APEX FENCE CO., INC. ANDERSON CA	269127	ITEM 20 (100%)
	APEX FENCE CO., INC. ANDERSON CA	269127	ITEM 45 (100%)
	APEX FENCE CO., INC. ANDERSON CA	269127	ITEM 46 (100%)
	APEX FENCE CO., INC. ANDERSON CA	269127	ITEM 47 (100%)

CONTINUED ON NEXT PAGE

Jan. 26. 2016 2:49PM Eagle Peak Rock & Paving No. 8413 P. 12/15

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
02	APEX FENCE CO., INC. ANDERSON CA	269127	ITEM 48 (100%)
	APEX FENCE CO., INC. ANDERSON CA	269127	ITEM 49 (100%)
	APEX FENCE CO., INC. ANDERSON CA	269127	ITEM 50 (100%)
	APEX FENCE CO., INC. ANDERSON CA	269127	ITEM 51 (100%)
	APEX FENCE CO., INC. ANDERSON CA	269127	ITEM 52 (100%)
	APEX FENCE CO., INC. ANDERSON CA	269127	MARKER (CULVERT)
	APEX FENCE CO., INC. ANDERSON CA	269127	METAL BEAM GUARD RAILING
	APEX FENCE CO., INC. ANDERSON CA	269127	MILEPOST MARKER
	APEX FENCE CO., INC. ANDERSON CA	269127	OBJECT MARKER
	APEX FENCE CO., INC. ANDERSON CA	269127	REMOVE GUARDRAIL
	APEX FENCE CO., INC. ANDERSON CA	269127	TREATED WOOD WASTE

CONTINUED ON NEXT PAGE

Jan. 26. 2016 2:50PM Eagle Peak Rock & Paving No. 8413 P. 13/15

LIST OF SUBCONTRACTORS

BIDDER ID	NAME AND ADDRESS	LICENSE NUMBER	DESCRIPTION OF PORTION OF WORK SUBCONTRACTED
02	APPLY-A-LINE ANDERSON CA	562762	ITEM 53 (100%)
	APPLY-A-LINE ANDERSON CA	562762	ITEM 54 (100%)
	APPLY-A-LINE ANDERSON CA	562762	THERMO PAVEMENT MARKING
	APPLY-A-LINE ANDERSON CA	562762	THERMO TRAFFIC STRIPE
	DARREN TAYLOR CONSTRUCTION INC. ANDERSON CA	903262	COLD PLANE AC PAVEMENT
	DARREN TAYLOR CONSTRUCTION INC. ANDERSON CA	903262	ITEM 21 (34.4%)
	DARREN TAYLOR CONSTRUCTION INC. ANDERSON CA	903262	ITEM 34 (16.6%)
	DARREN TAYLOR CONSTRUCTION INC. ANDERSON CA	903262	REPLACE AC SURFACING
	PINNACLE GRINDING AND GROOVING RENO NV	995542	ITEM 33 (61.9%)
	PINNACLE GRINDING AND GROOVING RENO NV	995542	PRE-PAVE GRINDING DAY
	T AND S DVBE, INC. ANDERSON CA	983087	CONSTRUCTION AREA SIGNS

CONTINUED ON NEXT PAGE

Jan. 26. 2016 2:50PM Eagle Peak Rock & Paving No. 8413 P. 14/15

LIST OF SUBCONTRACTORS

BIDDER ID	NAME AND ADDRESS	LICENSE NUMBER	DESCRIPTION OF PORTION OF WORK SUBCONTRACTED
02	T AND S DVBE, INC. ANDERSON CA	983087	ITEM 2 (100%)
	T AND S DVBE, INC. ANDERSON CA	983087	ITEM 3 (72.6%)
	T AND S DVBE, INC. ANDERSON CA	983087	TRAFFIC CONTROL

Jan. 26. 2016 2:50PM Eagle Peak Rock & Paving No. 8413 P. 15/15