

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER
1727 30th STREET, MS-43
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6299
FAX (916) 227-6282
www.dot.ca.gov/hq/esc/oe



*Serious drought.
Help save water!!*

March 10, 2015

Facsimile: (530) 926-2118

Jennifer L. Knight, Secretary
Shasta Services, Inc. DBA Timberworks
509 S. Mt. Shasta Blvd.
Mt. Shasta, CA 96067

03-0F6904
03-But-70-24.0/24.5
BO: 01/21/15

Dear Ms. Knight:

The Department of Transportation (Caltrans) received a letter from Marcus L. Turner of Radoslovich Parker representing Shasta Services, Inc. dba Timberworks (Timberworks) on February 12, 2015, in response to a bid protest from Myers & Sons Construction, LP (Myers & Sons), dated February 3, 2015. The protest alleges that Timberworks failed to comply with the Disadvantaged Business Enterprise (DBE) Commitment form instructions and expanded the scope of work for S.T. Rhoades Construction (S.T. Rhoades) by adding bid items 61 and 66 to the work to be performed on the DBE Commitment form. The protest also alleges Timberworks listed AC Dike to perform 100% of bid items 62, 63, 64, 65 and 66 (Place Hot Mix Asphalt Dike (Type A, C, E and F), Place Hot Mix Asphalt Miscellaneous Area), but failed to list AC Dike for bid item 61 (Minor Hot Mix Asphalt). Lastly, the protest alleges that Timberworks revised its bid day submission of the Subcontractors List form for Frank Medina Engineering (Frank Medina) and added bid item 96 (Vegetation Control- Minor Concrete) to work described as barricades, drums, fencing, signs and guardrail. Myers & Sons requests that Caltrans determine the bid submitted by Timberworks nonresponsive.

With respect to the allegation that Timberworks failed to comply with the DBE Commitment form instructions and expansion of work for S.T. Rhoades; Caltrans agrees. On bid day, Timberworks listed S.T. Rhoades to perform work described as Asphalt Paving and on its 24-hour identified bid items 60, 67 and 71 (Hot Mix Asphalt, Tack Coat, Temporary Bridge –(Hot Mix Asphalt). However, 4 days later, Timberworks submitted its DBE Commitment form with S.T. Rhoades listed as performing the same aforementioned described items of work, along with additional work described as Cold Plane Asphalt (bid item 47). Timberworks did not list this item on its Subcontractors List form, however the written confirmation provided by S.T. Rhoades includes this item with a proposed amount of \$5,400 and it appears that this item was accepted as part of the claimed participation for S.T. Rhoades, as it was included in the handwritten confirmation total of \$278,388.00, but was not included in the listed claimed DBE participation amount of \$272,988.00. Along with this item Timberworks also included two additional items of work for S.T. Rhoades, Minor Hot Mix Asphalt (bid item 61) and Place Hot Mix Asphalt - Misc Area (bid item 66). These two additional items were not listed on the Subcontractors List for S.T. Rhoades; in fact bid item 66 was listed to be performed by A.C Dike. The written confirmation provided, shows a strikethrough over the proposed amount for these items and the total for these items was excluded from the DBE's proposed participation.

The instructions for completing the DBE Commitment form states in part,... "Names of the First Tier DBE Subcontractors and their respective items(s) of work listed must be consistent, where applicable, with the names and items of work in the "Subcontractor List" submitted with your bid". For these reasons, Caltrans finds the bid nonresponsive.

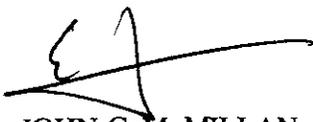
As the protest relates to the failure to list AC Dike for bid item 61, Minor Hot Mix Asphalt, Caltrans assumes that this item will be supplied by the bidder, Timberworks since there is no indication that this item will be subcontracted. Caltrans therefore disagrees with the protest on this issue.

With regard to bid item 96 (Vegetation Control - Minor Concrete), Frank Medina was listed on the bid day submittal and in Timberwork's subsequent 24 hour submittal to perform work described as Midwest Guardrail System. On the Standard Plans, Sheets 78 of 123, Midwest Guardrail System Typical Vegetation Control For Standard Railing Section allows for the construction of vegetation control flush with the back edge of the guardrail post, and where the dike is constructed under the railing, vegetation control is to be constructed to the back of the dike and to the edge of the paved shoulder. Caltrans therefore find that there exists a nexus between a description of Midwest Guardrail System and the inclusion of Vegetation Control—Minor Concrete associated with that description and disagrees with the protest on this issue.

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

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

Sincerely,



VZ

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

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

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

Mar 10 2015 04:43pm

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STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

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