

Robert L. Leslie
leslie@oles.com

February 19, 2016

Office Engineer, Construction Contract Awards
Attention: Jeff Defever, Office Chief
California Department of Transportation
1727 30th Street, MS-43
Sacramento, California 95816-8041

Via facsimile: 916-227-6282 & overnight

Re: Colfax Truck Climbing Lane, Caltrans Contract No. 03-1F4004
Protest of Award to A. Teichert & Son, Inc. dba Teichert Construction, and
Request for reconsideration of Caltrans position that Granite did not perform good
faith efforts

Dear Mr. Defever:

Based on the newly discovered evidence that Double M Trucking never submitted a bid to A. Teichert & Son, Inc., dba Teichert Construction ("Teichert") for \$3 million of trucking as Teichert claims for this contract, Granite Construction Company ("Granite") both protests award of the contract to Teichert and reasserts its right to any award of this contract from the State of California, Department of Transportation ("Caltrans"). Teichert who bid \$570,918.32 more than Granite, had only 1.9% DBE participation compared with Granite's 4.96%.

TEICHERT'S BID IS NON-RESPONSIVE.

Teichert's Bid Failed to Include a DBE Confirmation.

Teichert claimed it met Caltrans 11% DBE quota by including \$3,031,462 of alleged trucking by Double M Trucking, Inc. But Teichert failed to submit the DBE Confirmation signed by Double M Trucking, confirming Double M's \$3 million participation. This means that: (1) Teichert had a DBE participation of only \$620,504.52 or 1.9%, (2) Teichert's bid was nonresponsive and must be rejected.

Bidders were required by Revised Standard Specifications, Section 2-1.12B(2) (page 7 of 341) and Section 2-1.33D(2)(b) (pages 11 & 12 of 341) to submit DBE Confirmations "No later than 4 p.m. on the 4th business day after bid opening." Teichert failed to submit the required DBE Confirmation form for Double M Trucking to Caltrans by 4 p.m. the fourth business day after bid opening, or at all.

Caltrans' DBE Commitment form required bidders to:

Office Engineer, Construction Contract Awards
California Department of Transportation
February 19, 2016
Page 2

Show all DBE firms being claimed for credit, regardless of the tier. Attach written confirmation from each DBE shown stating that it will be participating in the contract to perform the specific work shown for the specific amount shown.

Teichert failed to comply with this as to Double M Trucking, precluding Teichert from being given credit for DBE participation from Double M Trucking and requiring Teichert's bid be rejected as nonresponsive.

Caltrans' DBE Confirmation form that Teichert failed to submit for Double M Trucking, required that the DBE to have certified under penalty of perjury:

"As an authorized representative of a certified disadvantaged business enterprise, I confirm that my business was contacted by the bidder or prime contractor shown above regarding the contract shown above. If the bidder is awarded the contract, my business will enter into a contractual agreement with the bidder or prime contractor to perform the type and dollar amount of work shown on the DBE Commitment form."

Instead of being responsive to the bid documents, Teichert submitted to Caltrans an unsigned hand written rate sheet that fails to say any amount of trucking Double M Trucing promised to perform, much less \$3 million (enclosed). This rate sheet only gives rates per ton for transporting certain materials (for non-prevailing wages), and has information typed at the bottom which appears to have been added by Teichert, not Double M Trucking. No other bidder found this level of trucking required which sheds further doubt upon the Teichert documents.

The intent of the DBE Confirmation form is both to assure the bidder and owner that the DBE will perform the DBE participation commitment amount. In the case of Double M Trucking, their quote is simply an offer to provide hourly and tonnage trucking. They have not estimated the hourly trucking needs for the project, their quote is silent about the availability of the DBE's Owned or Controlled Trucks available for the project and further their quote is unsigned, and they never commit under penalty of perjury to the claimed \$3 million of work. This clearly does not meet the standard of a written confirmation and cannot be relied upon to achieving DBE participation. Teichert's bid is non-responsive and must be rejected.

Caltrans violated its own rules in accepting this highly questionable rate sheet. Caltrans' "Fact Sheet Federally Funded Projects, Evaluation DBE Participation" (enclosed) provides Caltrans is responsible to:

"Review the CALTRANS Bidder-DBE Commitment form from the

Office Engineer, Construction Contract Awards
California Department of Transportation
February 19, 2016
Page 3

prime contractor to:

...
verify the dollar amount claimed for credit is accurate amount
claimed for credit on DBE Commitment form is consistent with
written confirmation (quote) from DBE.**
...

Written confirmation (quotes) from the DBEs are reviewed to verify
if the DBEs are committed to do the work on the Caltrans Bidder
DBE Commitment form.**

****Important Notice:** Rate sheets that are generic will not be
accepted in lieu of written confirmation (quotes). This
determination is based only on information timely submitted with
bid."

It appears that Teichert simply made up the amount of trucking and made up the amount
of trucking that it claims Double M Trucking would perform so Teichert could say it met
Caltrans 11% DBE quota. There is no commitment or confirmation from Double M Trucking it
will perform any amount of trucking much less \$3 million of trucking

The Defects in Teichert's Bid are Non-Waivable.

Teichert's failure to submit the required DBE Confirmation from Double M Trucking is a
non-waivable defect, because it provided Teichert with the competitive advantage of appearing
to achieve Caltrans' 11% DBE quota when in fact it did not. (*Ghilotti Construction Co. v. City
of Richmond* (1996) 45 Cal.App.4th 897, 906 (non-conformity in bid which gives bidder a
competitive advantage is not waivable by public entity).)

In fact, Teichert only achieved 1.9% DBE participation because Double M Trucking
never submitted a bid of \$3 million to Teichert. This is why Teichert could not submit, and did
not submit, a DBE Confirmation signed under penalty of perjury (or at all) by Double M
Trucking. Double M Trucking is not going to perform \$3 million of trucking work on this
project. At bid time Double M Trucking told Granite it was not able to get enough trucks to
commit to \$1.4 million of trucking Granite estimated for this project, much less the \$3 million
set forth in Teichert's bid. Yesterday Double M Trucking told Granite that it had not agreed to
perform \$3 million of trucking for Teichert on this project.

Caltrans agrees and has ruled that failure to submit the DBE Confirmation requires
rejection of the bid as nonresponsive and requires the bid be rejected as nonresponsive. (See

Office Engineer, Construction Contract Awards
 California Department of Transportation
 February 19, 2016
 Page 4

enclosed Caltrans' letter dated April 13, 2015 rejecting Eagle Peak Rock & Paving's bid on Contract 02-299714 as nonresponsive because "Eagle Peak failed to submit written confirmation from each subcontractor on the DBE Commitment form . . .") Caltrans failure to reject Teichert's bid would be nothing short of arbitrary and capricious.

GRANITE SEEKS RECONSIDERATION BASED ON THE NEW EVIDENCE

Caltrans conclusion that Granite did not do a good faith effort is contrary to law and the evidence and arbitrary and capricious.

Caltrans' determination that Granite did not make good faith efforts is contrary to law and the new evidence presented. We ask Caltrans to correct its erroneous and arbitrary and capricious determination that Granite did not make a good faith effort.

Caltrans failed to comply with the law that required that to evaluate good faith efforts requires looking at all the efforts, not looking solely as some pro forma item. See 49 CFR Part 26 Appendix A.) Caltrans failed to comply with 49 CFR, Part 26, Appendix to Part 26, paragraph V, that provides:

"At a minimum, you must review the performance of other bidders in meeting the contract goal. For example, when the apparent successful bidder fails to meet the contract goal, but others meet it, you may reasonably raise the question of whether, with addition efforts, the apparent successful bidder could have met the goal."

A review of the other bidders, none of whom met the DBE goal shows that Granite obtained two and three time the DBE participation of the other bidders:

<u>Bidder</u>	<u>Bid Amount</u>	<u>DBE Commitment</u>	<u>DBE Percentage</u>
Granite	\$31,655,227.28	\$1,568,878.04	4.96%
Teichert	\$32,226,145.60	\$620,504.52	1.9%
DeSilva	\$32,322,222.00	\$595,724.02	1.85%
RGW	\$43,157,999.75	\$1,110,373.00	2.5%

Caltrans improperly considered Teichert's bid to include 11.3% minority participation, and having met the 11% quota, when in fact Teichert, and all the other low bidders, obtained DBE participation far below Granite. Thus, Caltrans failed to comply with the law by failing to compare the correct DBE participation for each bidder.

Caltrans failed to comply with 49 CFR, Part 26, Appendix to Part 26, paragraph V, that provides:

Office Engineer, Construction Contract Awards
California Department of Transportation
February 19, 2016
Page 5

“If the apparent successful bidder fails to meet the goal, but meets or exceeds the average DBE participation obtained by other bidders, you may view this, in conjunction with other factors, as evidence of the apparent successful bidder having made good faith efforts.”

The correct average DBE participation of the other bidders (including Teichert) based on this new evidence, was 2.08%. Granite's DBE participation of 4.96% was more than twice as much as the average, a significant difference, and showing how effective Granite good faith efforts were.¹ Caltrans did not comply with the law because it failed to compare Granite's DBE participation with the correct DBE participation of the other bidders.

Caltrans' determination is contrary not just to the law but to the evidence. Caltrans December 12, 2016 a Determination says: “Granite knowing that goal was not met, did not change is strategy, rather relied on its good faith efforts to meet the goal.” This makes little sense but is contrary to the evidence. First, Granite testified to its other phone calls as part of its good faith effort, so Caltrans' finding is contrary to the evidence. Second, Granite did not know until bid that the goal was not met and of course it could not change strategy by then. Third, the strategy all along was to use good faith efforts to try to meet the goal, which is what the rules require.

Caltrans' Determination continues: While this is a business decision the regulations state that bidder must show that it took all necessary and reasonable steps to achieve a DBE Goal. The Committees opinion that making follow up calls just two days prior to bid opening is insufficient to achieve addition DBE participation.”

The Committee has no basis for its “opinion”. Not one member of the Committee has ever tried, much less succeeded, in making a good faith effort; not one member of the committee has tried or obtained DBE participation in a bid. The regulations refer to what a reasonable bidder would do, not what someone who has never bid a job would do.

Granite is acutely aware that DBEs on Caltrans list are bombarded with calls, email, letters from not just this but all the other projects bidding and get numb from them and ignore them because they have a business to run. Granite has been told by many DBEs not to call for these very reasons. Granite's strategy, based on far more knowledge and experience than the members of the Committee, was to work with DBEs over the long term, build relationships and to call them at the best time.

Caltrans suggested that the timing of the telephone log was too close to the date of bid.

¹ Granite achieved almost twice the DBE participation (4.96%) than the other three higher bidders: DeSilva (1.85%); RGW (2.5%), and, as discussed below, Teichert (1.9%).

Office Engineer, Construction Contract Awards
California Department of Transportation
February 19, 2016
Page 6

The CFRs are silent to the timing of these calls, as long as calls are documented and made. If Caltrans continues to find Granite's GFE documents insufficient, it must find all the proposers bids equally deficient, creating yet a new level of uncertainty in to the award process.

Instead, the evaluator must weigh the ultimate success of the outreach, which Caltrans failed to do. Instead of relying on actual DBE participation of the bidders, the Committee's opinion impliedly was based on its misconception that one of the bidders (Teichert) met the 11% goal.

The undisputed evidence shows that Granite's approach achieved far better results than the other bidders. Granite's efforts produced twice the amount of DBE quotations, relied upon twice as many firms and achieved far more participation than any of the four lowest bidders.

CONCLUSION

There is no rational basis for Caltrans' finding that Granite did not use good faith efforts to include DBE participation when Granite's good faith efforts resulted in about twice as much DBE participation as the next lowest three bidders. By refusing to award the contract to Granite, Caltrans is discriminating against the bidder with the highest actual DBE participation, and so is discriminating against DBEs.

We demand that Caltrans reject the non-responsive bid of Teichert, and request Caltrans reconsider its position as to Granite's good faith efforts and award the contract to Granite, the low (by \$570,918.32) responsive and responsible bidder.

Sincerely,



Robert L. Leslie

encls.

cc: Teichert Construction, Attn: Eric Stannard

Robert L. Leslie

From: Crawford, Colin <Colin.Crawford@gcinc.com>
Sent: Thursday, February 18, 2016 3:40 PM
To: Robert L. Leslie
Subject: Contacts
Attachments: Jeff DeFevere.vcf; Eric Stannard.vcf

Eric Stannard
Yelchert Construction
Director Public Procurement

☎(916) 645-4855 Work
estannard@yctc.com

3500 American River Drive
Sacramento, CA 95864

Jeff DeFevere
Callans Office Engineer

☎(916) 227-6280 Work
Jeff_DeFevere@dal.ca.gov



Second Bidder

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
DBE - COMMITMENT
DES-DE-0102.10D (REV 12/2014)

11-23-15P03:25 RCVD

CONTRACT NO:
Caltrans - 03-1F4004

BID AMOUNT:
\$32,226,145.60

BID OPENING DATE:
11/18/15

BIDDER'S NAME:
A. Teichert & Son Inc. dba Teichert Construction

DBE GOAL FROM CONTRACT %:
11%

DBE PRIME CONTRACTOR CERTIFICATION ¹ :	TOTAL NUMBER OF ALL SUBCONTRACTS (DBE & NON-DBE)	TOTAL VALUE OF ALL SUBCONTRACTS (DBE & NON-DBE)
<u>N/A</u>	<u>13</u>	<u>\$ 8,931,342</u>

BID ITEM NO.	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED*	WORK CATEGORY CODES ²	NAME OF DBE (Must be certified on the date bids are opened. Include Caltrans' certification no., DBE address, and phone number. Show Bid and lower tier subcontractors)	AMOUNT (\$)
See Following Pages for All DBE Firms				

Show all DBE firms being claimed for credit, regardless of tier. Attach written confirmation from each DBE showing stating that it will be participating in the contract to perform the specific work shown for the specific amount agreed to.

The names of the 1st tier DBE subcontractors and items of work must be consistent with the Subcontractor List (Pub Con Code § 4100 et seq).

¹Each DBE prime contractor must enter its certification number and show all work to be performed by DBEs, including work performed by its own forces.

²If 100% of an item is not to be performed or furnished by the DBE, describe the exact portion of the item to be performed or furnished.

³Use Work Category Codes from the California Unified Certification Program database.

Total Claimed Participation	<u>\$ 3,651,966.52</u>
	<u>11.33 %</u>

The bidder acknowledges that it is committed to use the DBEs shown on this form to meet the contract goal (49 CFR 26.53).



Signature of Bidder

11/23/15 (916) 757-6424
Date (Area Code) Tel No.

Eric Streich
Person to Contact (Please Type or Print)

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information, call (916) 645-1233, TTY 711, or write to Records and Forms Management, 1120 N Street, MS-99, Sacramento, CA 95814

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
DBE - COMMITMENT
 DES-OE-0102.10D (REV 12/2014)

11-23-15P03:25 RCVD

CONTRACT NO:
Caltrans - 03-1F4004
 BID AMOUNT:
\$32,226,145.60
 BID OPENING DATE:
11/18/15
 BIDDER'S NAME:
A. Teichert & Son Inc. dba Teichert Construction
 DBE GOAL FROM CONTRACT %:
11%

DBE PRIME CONTRACTOR CERTIFICATION¹: N/A TOTAL NUMBER OF ALL SUBCONTRACTS (DBE & NON-DBE): See cover page TOTAL VALUE OF ALL SUBCONTRACTS (DBE & NON-DBE):

BID ITEM NO	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED ²	WORK CATEGORY CODES ³	NAME OF DBE ⁴ <small>(Must be certified on the date bids are opened. Includes Caltrans' certification no., DBE address, and phone number. Show 2nd and lower tier subcontractors)</small>	AMOUNT (\$)
63, 78, 81, 83	Hourly and Tonnage Material Trucking	C9602	Double M Trucking DBE Cert #414, 710 Dutton Street Winters, CA 95694 (530) 795-4181	\$3,031,462.00
63	Hourly Material Trucking	C9602	West Coast Water & Trucking, Inc DBE Cert #37869, 3941 Park Dr. St. #20-231 El Dorado Hills, CA 95762 (916) 358-8697 <small>Total Claimed Participation</small>	\$98,400.00

Show all DBE firms being claimed for credit, regardless of tier. Attach written confirmation from each DBE shown stating that it will be participating in the contract to perform the specific work shown for the specific amount agreed to.

The names of the 1st tier DBE subcontractors and items of work must be consistent with the Subcontractor List (Pub Cont Code § 4100 et seq.).

¹Each DBE prime contractor must enter its certification number and show all work to be performed by DBEs, including work performed by its own forces.

²If 100% of an item is not to be performed or furnished by the DBE, describe the exact portion of the item to be performed or furnished.

³Use Work Category Codes from the California Unified Certification Program database.

See Cover Page

The bidder acknowledges that it is committed to use the DBEs shown on this form to meet the contract goal (49 CFR 26.53).



Signature of Bidder

11/23/15 (916) 757-6424
 Date (Area Code) Tel. No.

Eric Streich
 Person to Contact (Please Type or Print)

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information, call (916) 445-1233, TTY 711, or write to Records and Forms Management, 1120 N Street, MS-88, Sacramento, CA 95814

STATE OF CALIFORNIA · DEPARTMENT OF TRANSPORTATION
DBE - COMMITMENT
DBE-OE-0102.10D (REV 12/2014)

11-23-15P03:25 RCVD

CONTRACT NO:
Caltrans - 03-1F4004
BID AMOUNT:
532,226,145.60
BID OPENING DATE:
11/18/15
BIDDER'S NAME:
A. Teichert & Son Inc, dba Teichert Construction
DBE GOAL FROM CONTRACT %:
11%

DBE PRIME CONTRACTOR CERTIFICATION¹: N/A TOTAL NUMBER OF ALL SUBCONTRACTS (DBE & NON-DBE): See cover page TOTAL VALUE OF ALL SUBCONTRACTS (DBE & NON-DBE):

BID ITEM NO.	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED ²	WORK CATEGORY CODES ³	NAME OF DBE <small>(Must be certified on the date bids are opened. Include Caltrans' certification no., DBE address, and phone number. Show 2nd and lower tier subcontractors)</small>	AMOUNT (\$)
16,17,18,19	Prepare SWPPP, REAPs, Sampling & Analysis, Annual Report	C8852	Tully Consulting Group DBE Cert #38300 1650 N. Lincoln St, Suite A, Dixon, CA 95620 (707) 693-1926	\$47,650.00
1,31	Lead & Asbestos Compliance Plans	C8851	Appian UDBE SWPPP DBE Cert #38334, 5780 Olinda Road El Sobrante, CA 94803 (510) 854-9402	\$4,400.00

Show all DBE firms being claimed for credit, regardless of tier. Attach written confirmation from each DBE shown stating that it will be participating in the contract to perform the specific work shown for the specific amount agreed to.
The names of the 1st tier DBE subcontractors and items of work must be consistent with the Subcontractor List (Pub. Cont Code § 4100 et seq.)
¹Each DBE prime contractor must enter its certification number and show all work to be performed by DBEs, including work performed by its own forces.
²If 100% of an item is not to be performed or furnished by the DBE describe the exact portion of the item to be performed or furnished.
³Use Work Category Codes from the California Unified Certification Program database.

Total Claimed Participation: See cover page

The bidder acknowledges that it is committed to use the DBEs shown on this form to meet the contract goal (48 CFR 26.53).


Signature of Bidder
11/23/15 (916) 757-6424
Date (Area Code) Tel. No.
Eric Streich
Person to Contact (Please Type or Print)

ADA Notice

For individuals with sensory disabilities, this document is available in alternate formats. For information, call (916) 445-1733, TTY 711, or write to Records and Forms Management, 1120 N Street, ME-99, Sacramento, CA 95814

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
DBE - COMMITMENT
 DES-DE-0102100 (REV 12/2014)

11-23-15P03:25 RCVD

CONTRACT NO:
Caltrans - 03-1F4004
 BID AMOUNT:
\$32,226,145.60
 BID OPENING DATE:
11/18/15
 BIDDER'S NAME:
A. Teichert & Son Inc. dba Teichert Construction
 DBE GOAL FROM CONTRACT %:
11%

DBE PRIME CONTRACTOR CERTIFICATION:
N/A TOTAL NUMBER OF ALL SUBCONTRACTS (DBE & NON-DBE) See cover page TOTAL VALUE OF ALL SUBCONTRACTS (DBE & NON-DBE)

BID ITEM NO.	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED*	WORK CATEGORY CODES ²	NAME OF DBEs (Must be certified on the date bids are opened. Include Caltrans' certification no., DBE address, and phone number. Show End and Total for subcontractors)	AMOUNT (\$)
33,35,163,166-171,186	Guardrail System	C8201 C8320 C8330 C8391	Dirt & Aggregate Interchange, Inc DBE Cert #20, 20905 NE Sandy Blvd Fairview, OR 97024 (503) 661-5093	\$359,975.00
34	Contractor Supplied Biologist	C8792	Gallaway Enterprises DBE Cert #31237, 117 Meyers Street Ste #120 Chico, CA 95928 (530) 332-9909	\$55,000.00

Show all DBE firms being claimed for credit, regardless of tier. Attach written confirmation from each DBE shown stating that it will be participating in the contract to perform the specific work shown for the specific amount agreed to.

The names of the 1st tier DBE subcontractors and items of work must be consistent with the Subcontractor List (Pub Cont Code § 4100 et seq.)

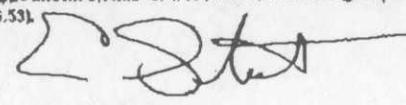
*Each DBE prime contractor must enter its certification number and show all work to be performed by DBEs, including work performed by its own forces.

²If 100% of an item is not to be performed or furnished by the DBE describe the exact portion of the item to be performed or furnished.

³Use Work Category Codes from the California Unified Certification Program database

Total Claimed Participation See cover page

The bidder acknowledges that it is committed to use the DBEs shown on this form to meet the contract goal (49 CFR 26.53).


 Signature of Bidder

11/23/15 (916) 757-6424
 Date (Area Code) Tel. No.

Eric Streich
 Person to Contact (Please Type or Print)

ADA Notice

For individuals with sensory disabilities, this document is available in alternate format. For information, call (916) 646-1233, TTY 711, or write to Records and Forms Management, 1120 N Street, ME-89, Sacramento, CA 95814

A. Telchert & Son Inc. dba Telchert Construction

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
DBE CONFIRMATION
 DES-06-0107 13 (11/19/2015)

Contract Number Caltrans - 03-1F4004
 Name of DBE Business Appian UDBE SWPPP
 Name of DBE Representative Nicole Koprek
 DBE certification number 38334
 Name of Bidder N/A
 Name of prime contractor if different from the bidder A. Telchert & Son Inc. dba Telchert Construction
 Name of representative of bidder or prime contractor Eric Stannard, Director of Public Procurement
 Date quote was provided to the bidder or prime contractor 11/18/15

Bid Item Number	Item of work and description of services to be subcontracted or materials to be used.	Amount (\$)
1	Lead Compliance Plan	\$2,500.00
31	Asbestos Compliance Plan	\$1,900.00

If 100% of an item is to be performed or furnished by the DBE describe the exact portion of the item to be performed or furnished.

Total \$4,400.00

As an authorized representative of a certified disadvantaged business enterprise, I confirm that my business was selected by the bidder or prime contractor shown above regarding the contract shown above. If the bidder is awarded the contract my business will enter into a contractual agreement with the bidder or prime contractor to perform the type and dollar amount of work shown on the DBE Commitment form.

I certify under penalty of perjury that the foregoing is true and correct.

Thomas Koprek
 Signature of DBE Authorized Representative

Thomas Koprek
 Printed Name of Authorized Representative

MANAGER
 Title of DBE Authorized Representative

11/20/15
 Date

ADA Notice: For more information regarding accessibility, contact the contractor. For information call (916) 654-6400 or (800) 241-2411. California Public Access and Services Act (CPASA) 2012-2013.

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
DBE CONFIRMATION
 OES-0E-0102.13 (NEW 3/7/15)

Contract Number Caltrans - 03-1F4004

Name of DBE Business Construction Area Signs Inc.

Name of DBE Representative Elisa Robinson / Mike Smith

DBE Certification number 500

Name of Bidder N/A

Name of Prime Contractor If different from the bidder
 A. Telchert & Son Inc. dba Telchert Construction

Name of Representative of bidder or prime contractor
 Eric Stannard, Director of Public Procurement

Date quote was provided to the bidder or prime contractor
 11/18/2015

Bid Item Number	Item of work and description of services to be subcontracted or materials to be used.	Amount (\$)
4	Construction Area Signs	\$8,900.00
40	Remove Roadside Sign	\$300.00
47	Reset Roadside Sign	\$2,500.00
119	Furnish Single Sheet Aluminum Sign (0.080 - Unframed)	\$2,392.00
120	Roadside Sign - One Post	\$3,300.00
121	Roadside Sign - Two Post	\$2,800.00
123	Install Roadside Sign Panel on Bridge	\$300.00
124	Furnish Formed Panel Sign (Overhead)	\$2,023.00
125	Furnish Laminated Panel Sign (1"-Type A)	\$13,992.00
126	Furnish Laminated Panel Sign (2 1/2"-Type B)	\$4,950.00
Total		\$41,457.00

If 100% of work is not to be performed or furnished by the DBE, describe the exact portion of the item to be performed or furnished.

As an authorized representative of a certified disadvantaged business enterprise, I confirm that my business was consulted by the bidder or prime contractor shown above regarding the contract shown above. If the bidder is awarded the contract, my business will enter into a contractual agreement with the bidder or prime contractor to perform the type and dollar amount of work shown on the DBE Commitment form.

I certify under penalty of perjury that the foregoing is true and correct.

Signature of DBE's Authorized Representative

Mike Smith

Printed name of Authorized Representative

Estimator

Title of DBE's Authorized Representative

11/20/15

Date

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
DBE CONFIRMATION
 DES-02-0107 13 (REV. 3/2015)

Contract Number Caltrans - 03-1F4004

Name of DBE Business Dirt & Aggregate Interchange, Inc.

Name of DBE Representative Henry H. Pelfrey

DBE Certification number 20

Name of Bidder N/A

Name of Prime Contractor If different from the bidder
 A. Telchert & Son Inc. dba Telchert Construction

Name of Representative of bidder or prime contractor
 Eric Stannard, Director of Public Procurement

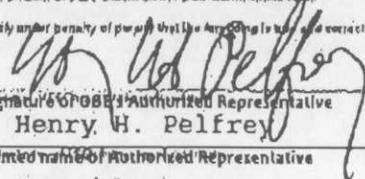
Date quote was provided to the bidder or prime contractor
 11/18/2015

Bid Item Number	Item of work and description of services to be subcontracted or materials to be used.	Unit Amount (\$)
33	Treated Wood Waste	\$18,875.00
35	Remove Guardrail	\$35,280.00
163	Midwest Guardrail System (Wood Post)	\$185,520.00
166	Transition Railing (Type WB-31)	\$16,000.00
167	End Cap (Type A)	\$1,500.00
168	End Anchor Assembly (Type SFT)	\$11,000.00
169	Alternative In Line Terminal System	\$6,000.00
170	Alternative Flared Terminal System	\$2,800.00
171	Alternative Crash Cushion (Type SCI-100MG)	\$78,000.00
186	Mobilization	\$5,000.00
Total		\$359,975.00

If 100% of an item is not to be performed or furnished by the DBE describe the exact portion of the item to be performed or furnished.

As an authorized representative of a certified disadvantaged business enterprise, I confirm that my business was contacted by the Bidder or prime contractor shown above regarding the contract shown above. If the bidder is awarded the contract, my business will enter into a contractual arrangement with the bidder or prime contractor to perform the type and dollar amount of work shown on the DBE Commitment form.

I certify under penalty of perjury that the foregoing is true and correct.


 Signature of DBE's Authorized Representative
 Henry H. Pelfrey

Printed name of Authorized Representative
 President

Title of DBE's Authorized Representative

11/20/15
 Date

ADA Notice: For more information on the Americans with Disabilities Act, contact the U.S. Department of Justice, Civil Rights Division, 400 ...

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
DBE CONFIRMATION
 DEB-0E-0102.13 (REV/3/2015)

Contract Number Caltrans - 03-1F4004
 Name of DBE Business Tully Consulting Group
 Name of DBE Representative Katelyn Anderson
 DBE certification number 38300
 Name of Bidder N/A
 Name of prime contractor if different from the bidder A. Telchert & Son Inc. dba Telchert Construction
 Name of representative of bidder or prime contractor Eric Stannard, Director of Public Procurement
 Date quote was provided to the bidder or prime contractor 11/18/2015

Bid Item number	Item of work and description of services to be subcontracted or materials to be used.	Amount (\$)
16	Prepare SWPPP	\$2,400.00
17	Rain Event Action Plan	\$3,750.00
18	Storm Water Sampling & Analysis Day	\$40,000.00
19	Storm Water Annual Report	\$1,500.00

If 100% of an item is not to be performed or furnished by the DBE describe the exact portion of the item to be performed or furnished.

Total	\$47,650.00
--------------	--------------------

As an authorized representative of a certified disadvantaged business enterprise, I confirm that my business was contacted by the bidder or prime contractor shown above regarding the contract shown above. If the bidder is awarded the contract, my business will enter into a contractual agreement with the bidder or prime contractor to perform the type and dollar amount of work shown on the DBE Commitment form.

I certify under penalty of perjury that the foregoing is true and correct.

Katelyn Anderson
 Signature of DBE's Authorized Representative

Katelyn Anderson
 Printed name of Authorized Representative

Office Manager
 Title of DBE's Authorized Representative

11/20/15
 Date

ADA Notice: For individuals with disabilities, this document is available in alternate formats. For information call (818) 994-4110 or TDD: (818) 994-4110. For more information visit the website: <http://www.dgs.ca.gov>

Double "M" Trucking, Inc.

710 Dutton Street
Winters, CA 95694
(530) 795-4181 Fax (530) 795-3914

Fax # 7576499

Quoted rates are not prevailing wage.

To TEICH CONSTR

Unless otherwise noted, rates quoted are for regular AC. Open Grade, Rubber, and Other mixes quoted upon request.

Attn: JOSH

Week Days only.
Valid for 30 days from date of quote, unless PO is issued

Re: 1-80 E BOUND
HWY 174 TO
MARCA RD
PLACER COUNTY

DR 100000 9390
DR 100000 9365

Bid Date 11 18 15

<u>PLANT</u>	<u>AGGREGATE</u>	
	<u>DOUBLES</u>	<u>TRANSFERS</u>
<u>TEICH PRENS</u>	<u>16.20T</u>	
<u>TEICH COOL</u>	<u>10.45T</u>	
<u>TEICH HLWD</u>	<u>15.90T</u>	
<u>TEICH CHVR</u>	<u>7.75T</u>	
<u>HUSK CONWREN</u>	<u>7.90T</u>	
<u>OFFHAUL DALS 100⁰⁰ HOUR</u>		

<u>PLANT</u>	<u>ASPHALT</u>	
	<u>DOUBLES</u>	<u>TRANSFERS</u>
<u>TEICH P</u>	<u>17.80T</u>	
<u>TEICH H</u>	<u>17.55T</u>	

RATES THRU 2016 ADD 5% 2017
RATES WEEKDAYS W/KNGLS, SAT ADD 5%
ASPHALT RATES INCL TARPING

Asphalt rates include: 10 minutes load & 15 minutes dump Doubles STAYED 184
15 minutes load & 30 minutes dump Transfers HID

AB - 1/2 2016 - 7.75/tn
1/2 2017 - 8.14/tn
7.945/tn * 78250 tn = \$621,696

Type A HMA - 1/2 2016 - 17.80/tn
1/2 2017 - 18.69/tn
18.245/tn * 16750 tn = \$305,604

Dirt Offhaul
100/hr * 18320 hrs = \$1,832,000

Rubber HMA - 2018 - 19.58/tn
19.58/tn * 13900 tn = \$272,162

FACT SHEET
Federally Funded Contracts
Evaluating DBE Participation
Role of OBEO, Contract Evaluation Unit
May 2013

The California Department of Transportation (Caltrans), Office of Business and Economic Opportunity (OBEO), Contract Evaluation Unit (CEU), is responsible for evaluating all Caltrans federally funded contracts and is responsible for counting Disadvantaged Business Enterprise (DBE) participation towards contract goals according to federal regulation. The CEU determines whether the goal has been met or an adequate good faith effort has been made by the contractor.

Bidder's Responsibility – For Meeting DBE Requirements

Refer to the Special Provisions of the specific contract you are bidding on for your responsibilities. Contracts are advertised on the Office Engineer's (OE) website at http://dot.ca.gov/hq/esc/oe/weekly_ads/index.php and the Division of Procurement and Contracts' (DPAC) website at <http://caltrans-opac.ca.gov/contract.htm>.

Contract Evaluation Unit's Responsibility – Counting DBE Participation

Step 1	A contract is received from Office Engineer (OE) or Division of Procurement and Contracts (DPAC) and the CALTRANS Bidder-DBE Commitment form from the prime contractor is reviewed to see if the prime contractor met the goal. If not, the good faith effort will be evaluated. See 49 CFR, Part 26, Appendix A, for good faith efforts guidance. This determination is based only on information timely submitted with the bid.
Step 2	<p>Review the CALTRANS Bidder-DBE Commitment form from the prime contractor to:</p> <ul style="list-style-type: none"> • ensure that the DBEs are certified by checking the California Unified Certification Program (CUCP) database [cross referencing DBE work category code(s) with contract bid items] (If the DBE is not certified, their participation will not be counted.) • ensure that the DBEs possess the correct work category code for the type of work they are listed to perform http://www.dot.ca.gov/hq/bep/find_certified.htm (If the DBE does not possess the correct work category code, their participation will not be counted.) • verify the dollar amount claimed for credit is accurate <ul style="list-style-type: none"> ◦ amount claimed for credit on DBE Commitment form is consistent with written confirmation (quote) from DBE.** ◦ amount claimed for credit is consistent with the prime contractor's bid and subcontractor listing <p>Written confirmation (quotes) from the DBEs are reviewed to verify if the DBEs are committed to do the work on the Caltrans Bidder DBE Commitment form.**</p> <p>**Important Note: Rate sheets that are generic will not be accepted in lieu of written confirmation (quotes). This determination is based only on information timely submitted with the bid.</p>
Step 3	<p>Counting DBE participation: DBE participation is "counted" only where it is demonstrated that a certified DBE possessing the correct work codes will be actively participating on the contract. CEU will count DBE participation as follows:</p> <ul style="list-style-type: none"> • The entire amount of that portion of a construction contract that is performed by the DBE's own forces are counted. • DBE participation will not be counted if the DBE is not certified at the time of bid or if a certified DBE does not possess the correct work codes. • The method for counting trucking towards the DBE goal requires the following additional documentation: motor carrier permit, truck title, registration, and proof of insurance, trailer or tanker registration, bills of lading, sub-hauling agreements, existing commitments of trucking on other jobs, and subcontract specific information (e.g., type of material hauled, number of trucks/trailers/tankers, load capacity, distance traveled, and schedule). Truckers need to own at least one, operable, insured truck. • DBE trucking firms receive 100 percent credit for the value of the hauling. DBE trucking firms who sublease to other DBE firms or DBE owner operators receive 100 percent of the value of the hauling. • DBE trucking firms who sublease to non-DBE trucking firms or non-DBE owner operators receive credit for the transportation arrangement or broker fees <u>only</u> – typically from 5 -20 percent of the value of the hauling. • Cost of material or supplies are counted at 60 percent for regular dealers. Those claiming to be regular dealers of bulk items must additionally demonstrate that they own and operate appropriate distribution equipment. <p>Important Note: There may be times when further clarification of commitment is requested for other types of work.</p>
Step 4	<p>Determination is made regarding whether goal was met. If goal was not met, the good faith effort documentation will be evaluated.</p> <p>Important Note: The steps above are not all inclusive. Other steps may be taken in the contract evaluation process.</p>
Step 5	<p>The contracts are returned to OE or DPAC, whichever is applicable.</p>

Encl 2

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



*Serious drought.
 Help save water!*

April 13, 2015

Facsimile: (530) 233-4918

Matt Cruse, Treasurer
 Eagle Peak Rock & Paving
 Post Office Box 879
 Alturas, CA 96101

02-299714
 02-Mod-299-39.3/40.5
 B.O. 03/25/2015

Dear Mr. Cruse:

The Department of Transportation (Caltrans) received a bid submitted by Eagle Peak Rock & Paving (Eagle Peak) for Contract No. 02-299714 on March 25, 2015. By this letter, Caltrans notifies Eagle Peak that its bid is nonresponsive since Eagle Peak did not comply with the Contract Revised Standard Specifications, Section 2-1.12B(2), DBE Commitment Submittal, which states in part:

"Submit a copy of the quote from each DBE shown on the DBE Commitment form that describes the type and dollar amount of work shown on the form. Submit a DBE Confirmation form for each DBE shown on the DBE Commitment form to establish that it will be participating in the Contract in the type and amount of work shown on the form."

In addition, the instructions on the form states:

"Show all DBE firms being claimed for credit, regardless of tier. Attach written confirmation from each DBE shown stating that it will be participating in the contract to perform the specific work shown for the specific amount agreed to..."

Eagle Peak failed to submit written confirmation from each subcontractor listed on the DBE Commitment form by 4:00 pm, April 1, 2015.

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 pm, 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