

## Studebaker Brown Electric, Inc.

6643 32<sup>nd</sup> Street #106  
North Highlands, Ca. 95660  
(916) 678-4660 Office  
(530) 820-9616 Fax



April 3, 2015

Via Fax (916)227-6282

John McMillan  
Office Engineer, DOT  
State of California  
1727 30<sup>th</sup> Street, MS 43  
Sacramento, Ca. 95816

RE: Bid Protest for Contract 03-4F1604 Butte County in Chico  
Bid Date- 3/25/2015

Dear Mr. McMillan,

Please consider this to be a formal bid protest of any contract award to apparent low bidder All Phase Excavating & Construction Inc. or 3<sup>rd</sup> place apparent low bidder Vincent Kentish Evans.

Studebaker Brown Electric feels that both contractors should be deemed non responsive.

Our protest is based on the following –

### All Phase Excavating and Construction

- Standard Specification 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.”

All Phase Excavating “Subcontractors List” has M&S Environmental Listed as performing 52% of Item-7 Compost Placement when it should be 100%. 52% of the total bid item price equals the proposal amount faxed out by M&S Environmental.

Please see Exhibit-A M&S Environmental Proposal faxed out to all bidders at bid time.

- Public Contract Code 4106 states -

“If a prime contractor fails to specify a subcontractor or if a prime contractor specifies more than one subcontractor for the same portion of work to be performed under the contract in excess of one-half of one percent of the prime contractors bid, the prime contractor agrees that he or she is fully qualified to perform that portion of work himself or herself, and that the prime contractor shall perform that portion himself or herself.”

All Phase Excavating did not list a subcontractor for Items 1, 4, and 5.

Items 1, 4, and 5 are required to be performed by a Qualified SWPP Developer.

A subcontractor is required to be listed because services for these items cost more than ½ of 1 percent of the total bid.

**Bid Protest 03-4F1604**  
Page 2 of 2**Vincent Kentish Evans**

- Standard Specification 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."

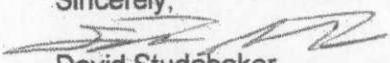
VKE failed to properly identify bid items subcontractors were performing.

Jernigan Pipeline is listed as a subcontractor but instead of listing a license # "Supplier" is Noted.

- Jernigan Pipeline is also noted as a "Supplier" for "Portable Changeable Message Signs".
- Jernigan is a pipeline supply company and does not supply or rent traffic control products.  
Please see exhibit-B.
- Green Vista Landscapes is listed for 100% of Item #7 on the post bid files but are not listed at all  
On the bid summary.
- WCSI is listed for 100% of Items 8 and 9 on the post bid files but they are not listed at all on the bid summary.

For the reasons above we believe apparent low bidders 1 and 3 should be deemed non responsive.

Sincerely,



David Studebaker  
Studebaker Brown Electric, Inc  
6643 32nd Street #106  
North Highlands, Ca. 95660  
Ph. (916)678-4660  
Fax (530)820-9616  
License#957296

EXHIBIT - A

**M&S Environmental Landscapes, Inc.**

12192 Mac's Road

Redding, CA 96003

530-241-1418 FAX 530-241-9647

DIR Registration No. 1000010084

CA Lic. 751931 DBE,SMBE, and MBE Certified CT No. 030736

Bids 3/25/25

Bid For - Butte County In Chico At The Cohasset Road Offramp Route 99

Cal-trans Contract # 03-4F1604

M&S Environmental Landscapes, Inc. would like to propose a bid for the following items:

Item No.	Description	Units	Quantity	Cost per Unit	Est. Cost
7	Compost	SQFT	8600	0.52 \$	4,472.00

**ADDITIONAL BID NOTES**

**TOTAL**

\$ 4,472.00

- \* All traffic control to be provided by Prime contractor. Bid valid for 60 days.
- \* One move-in is included in total bid, unless otherwise stated. Additional move-in (if necessary) at the rate of \$500.00 each.
- \* Performance and Payment bonds are not included. Insurance beyond a \$5 mil umbrella will result in additional charge.
- \* Additional insurance requirements including "Waiver of Subrogation" will be charged to Prime Contractor.
- \* Signatory to Local 185 Laborers Union.
- \* If you have any questions please call our office.

Michael Smith

# CALIFORNIA UNIFIED CERTIFICATION PROGRAM DISADVANTAGED BUSINESS ENTERPRISE CERTIFICATE

**M & S ENVIRONMENTAL LANDSCAPES, INC**

12192 MACS ROAD  
REDDING, CA 96003

Owner: MICHAEL SMITH  
Business Structure: CORPORATION

This certificate acknowledges that said firm is approved by the California Unified Certification Program (CUCP) as a Disadvantaged Business Enterprise (DBE) as defined by the U.S. Department of Transportation (DOT) CFR 49 Part 26, as may be amended, for the following NAICS codes:

NAICS Code(s) \* Indicates primary NAICS code

\* 561730 Landscaping Services

238910 Site Preparation Contractors

Work Category Code(s)

C0620 LANDSCAPING & NURSERY  
C2020 SOIL AMENDMENTS  
C2030 EROSION CONTROL

C2000 HIGHWAY PLANTING  
C2021 HYDROSEEDING  
C2065 IRRIGATION SYSTEM

Licenses

C27 Landscaping Contractor

CERTIFYING AGENCY:  
DEPARTMENT OF TRANSPORTATION  
1823 14TH STREET  
SACRAMENTO, CA 95811 0000  
(916) 324-1700

UCP Firm Number: 30736

*Jenice Salas*  
UCP OFFICER

April 24, 2012

From: Studebaker Brown Electric

Apr 3 2015 03:13pm

2015-04-03 22:09:44 (GMT)

Received

To: Page 5 of 7

PAGE. 2 / 2

MAR.12.2014 08:12 AM M&S ENVIRONMENTAL LANDSCAPE 5302419467

MAR.24.2015 11:59 AM M & S ENVIRONMENTAL

5302419467

PAGE. 2 / 3

**Unified Certification Program**

[Back To Query Form](#)

Wed Jan 20 10:22:42 PST 2010

**Search Returned 1 Records**

**Query Criteria**

Firm ID: 30736

<b>Firm ID</b>	30736
<b>Firm/DBA Name</b>	M & S ENVIRONMENTAL LANDSCAPES, INC
<b>Address Line1</b>	12192 MAC'S ROAD
<b>Address Line2</b>	
<b>City</b>	REDDING
<b>State</b>	CA
<b>Zip Code1</b>	96003
<b>Zip Code2</b>	
<b>Mailing Address Line1</b>	
<b>Mailing Address Line2</b>	
<b>Mailing City</b>	
<b>Mailing State</b>	
<b>Mailing Zip Code1</b>	
<b>Mailing Zip Code2</b>	
<b>Certification Type</b>	SMBE
<b>EMail</b>	mariserviro@aol.com
<b>Area Code</b>	( 530 )
<b>Phone Number</b>	241-1418
<b>Fax Area Code</b>	( 530 )
<b>Fax Phone Number</b>	241-9647
<b>Agency Name</b>	DEPARTMENT OF TRANSPORTATION
<b>Counties</b>	01; 03; 04; 05; 06; 07; 08; 09; 11; 12; 17; 18; 21; 23; 25; 27; 28; 29; 31; 32; 34; 36; 45; 46; 47; 48; 49; 51; 52; 53;
<b>Districts</b>	01; 02; 03; 04; 05; 10;
<b>DBE NAICS</b>	238910; 561730;

**ACDBE NAICS**

**Work Codes**

C0820 LANDSCAPING & NURSERY; C1601 CLEARING & GRUBBING; C1990 STRUCTURE BACKFILL; C1940 DITCHES EXCAVATION; C2000 HIGHWAY PLANTING; C2020 SOIL AMENDMENTS; C2021 HYDROSEEDING; C2030 EROSION CONTROL; C2065 IRRIGATION SYSTEM; C27 Landscaping Contractor;

**Licenses**

**Gender**

**Ethnicity**

**Firm Type**

M  
HISPANIC  
SMBE

[Back To Query Form](#)



## FAX COVER SHEET

TO	
COMPANY	
FAX NUMBER	19162276282
FROM	Studebaker Brown Electric
DATE	2015-04-03 22:06:53 GMT
RE	Bid Protest 03-4F1604 Bid 3/25/15

### COVER MESSAGE

David Studebaker

Studebaker Brown Electric, Inc.

6643 32nd Street, Suite 106

North Highlands, Ca. 95660

O: 916-678-4660

C: 530-333-3423

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daves@sbec.biz