



July 31, 2014

FAXED AND MAILED

California Department of Transportation, MS 43
Division of Engineering Services
Attention: John McMillan, Deputy Division Chief
1727 30th Street
P.O. Box 168041
Sacramento, CA 95816-8041

Re: Protest of Taber Construction, Inc.
Caltrans Contract No. 04-014104
Bid Opening: 6/24/2014

Protest by F&H of Taber Construction, Inc. bid

Dear Mr. McMillan,

F&H Construction was the fourth-lowest bidder for the Project. F&H protests the bid of the apparent 1st bidder, Taber Construction, Inc. (Taber), because Taber failed to list subcontractors in violation of the Subletting and Subcontracting Fair Practices Act. Taber's bid is nonresponsive and the contract should be to F&H as the lowest-responsible bidder, if in fact, the 2nd and 3rd bidders have been disqualified.

TABER CONSTRUCTION, INC. FAILED TO LIST CRITICAL SUBCONTRACTORS FOR ITEMS OF WORK

As part of its bid, Taber provided a Subcontractor List that did not include the following critical subcontractors that are well above the 1/2 of 1% required by California Public Contract Code. The scopes of work in question include the following items and their approximate subcontract value:

• Applied Fireproofing	\$ 95,000.00
• Glass & Glazing	\$ 116,256.00
• Metal Awnings	\$ 168,000.00
• Paint Mixing Booth, Paint Spray Booth & Blast Booth	\$ 709,000.00
• Building & Site Concrete	\$1,200,000.00

Taber's bid amount was \$14,234,058.00 and 1/2 of 1% is \$71,170.00 and Taber was required to list subcontractors for this work if it will not be self-performing these items.

Three of the specifications listed above that have specific requirements requiring installer qualifications. Taber does not possess the following qualifications to self-perform the work:

- The qualifications for the Glass and Glazing (see attached) specifically states: "Installer Qualifications: An entity that employs installers and supervisors who are trained and approved by manufacturer."
- The qualifications for the Paint Mixing Booth system (see attached) specifically states: "Installer Qualifications: A qualified firm that is approved, authorized, or licensed by the paint mix booth system manufacturer to erect and install the manufacturer's product."
- The qualifications for the Paint Spray Booth system (see attached) specifically states: "Installer Qualifications: The installer of the paint spray booth must be approved, authorized, or licensed by the spray booth manufacturer to erect and install the manufacturer's product."
- The qualifications for the Blast Booth system (see attached) specifically states: "Installers Qualifications: The installer of the blast booth must be approved, authorized, or licensed by the blast booth manufacturer to erect and install the manufacturer's product."

Again, we believe that Taber does not meet these requirements and by failing to list qualified subcontractors who have the experience and ability to perform the work, Taber has violated the Subletting and Subcontracting Fair Practice Act and their bid should be disqualified as nonresponsive.

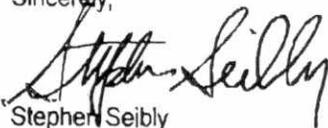
LISTED A PLUMBER THAT HAS NO CURRENT CALIFORNIA CONTRACTORS LICENCE

Taber listed "Mac Plumbing" of "Orland, CA" for Plumbing. A search of the CSLB's website does not disclose any contractor by the name of "Mac Plumbing" in Orland, CA. A search of "Mac Plumbing" and "Mac's Plumbing" has revealed 8 contractors who go by these names and none of these firms are located in Orland, CA (see attached CSLB listings). Because there are so many subcontractors with the name of "Mac" and because it is uncertain which of these subcontractors Taber chose for the work, Taber would have the opportunity to shop the plumbing work and had an advantage not permitted to other bidders. Additionally, Taber listed Mac Plumbing for 0.98% of Item No. Item 56 which amounts to \$118,580.00. The value of the plumbing is approximately \$1,000,000 so Taber would be required to self-perform the balance of the plumbing work with its own employees. Although Taber has a general building license, it is doubtful that they have the skills, experience or ability to perform this extent of specialty work

Based on its Subcontractor's Listing, Taber is representing that it will self-perform substantial work with its own crews and employees including the installation of the Paint Mixing Booth. We believe that Taber made a mistake in failing to list a subcontractor for the installation of the Paint Mixing Booth, the Blast Booth, the Metal Awning and Building & Site Concrete. If Taber denies making this mistake, F&H requests that Caltrans carefully track these items of work to insure that all this work is performed by Taber's crews and employees as verified by certified payroll.

Taber did not comply with the Subcontractor Listing laws and its bid must be rejected. F&H requests that Caltrans rejects Taber's bid as nonresponsive and award the Contract to F&H.

Sincerely,



Stephen Seibly
Secretary / Treasurer
F&H Construction

SECTION 084113 - ALUMINUM-FRAMED ENTRANCES AND STOREFRONTS

- G. Delegated-Design Submittal: For aluminum-framed entrances and storefronts indicated to comply with performance requirements and design criteria, including analysis data signed and sealed by the qualified professional engineer responsible for their preparation.

1.4 INFORMATIONAL SUBMITTALS

A. Qualification Data: For Installer.

B. Energy Performance Certificates: For aluminum-framed entrances and storefronts, accessories, and components, from manufacturer.

- 1. Basis for Certification: NFRC-certified energy performance values for each aluminum-framed entrance and storefront.

C. Product Test Reports: For aluminum-framed entrances and storefronts, for tests performed by manufacturer and witnessed by a qualified testing agency.

D. Sample Warranties: For special warranties.

1.5 CLOSEOUT SUBMITTALS

A. Maintenance Data: For aluminum-framed entrances and storefronts to include in maintenance manuals.

1.6 QUALITY ASSURANCE

A. Installer Qualifications: An entity that employs installers and supervisors who are trained and approved by manufacturer.

B. Product Options: Information on Drawings and in Specifications establishes requirements for aesthetic effects and performance characteristics of assemblies. Aesthetic effects are indicated by dimensions, arrangements, alignment, and profiles of components and assemblies as they relate to sightlines, to one another, and to adjoining construction.

- 1. Do not change intended aesthetic effects, as judged solely by Engineer, except with Engineer's approval. If changes are proposed, submit comprehensive explanatory data to Engineer for review.

C. Structural-Sealant Glazing: Comply with ASTM C 1401 for design and installation of storefront systems.

1.7 MOCKUPS (Not Used)

1.8 PRECONSTRUCTION LABORATORY MOCKUPS (Not Used)

1.9 WARRANTY

A. Special Warranty: Manufacturer agrees to repair or replace components of aluminum-framed entrances and storefronts that do not comply with requirements or that fail in materials or workmanship within specified warranty period.

- 1. Failures include, but are not limited to, the following:

- a. Structural failures including, but not limited to, excessive deflection.
- b. Noise or vibration created by wind and thermal and structural movements.
- c. Deterioration of metals or metal finishes, and other materials beyond normal weathering.
- d. Water penetration through fixed glazing and framing areas.
- e. Failure of operating components.

- 2. Warranty Period: 10 years from date of Substantial Completion.

20 - PAINT MIXING BOOTH

F. LEED Submittals:

1. IEQ Credit 4.1, Low-Emitting Materials—Adhesives and Sealants: Submit product data for adhesives, sealants, and sealant primers to be used indicating VOC content. Limit of VOC content must be within allowable levels of this credit.

1.5 QUALITY ASSURANCE

A. Qualifications:

1. Manufacturer's Qualifications: The manufacturer of the paint mix booth shall be regularly engaged in the design and fabrication of paint mix booths for a period of not less than 5 years. The manufacturer shall be capable of furnishing compatible auxiliary building components and accessories shown or specified.
2. Installer Qualifications: A qualified firm that is approved, authorized, or licensed by the paint mix booth system manufacturer to erect and install the manufacturer's product.

- B.** Provide products and installation conforming to NFPA 70, National and the California Electrical Code; ASHRAE 15, and the California Mechanical Code.
- C.** Test and rate the air-conditioning equipment in accordance with ARI 210/240, 310, 340, and 380 as applicable.
- D.** Equipment shall be manufactured and tested in accordance with applicable UL requirements.

1.6 DELIVERY STORAGE AND HANDLING

- A.** Deliver paint mix booth products in manufacturer's unopened marked packaging until ready for installation.
- B.** Store products in a clean weather tight location. Use methods to prevent contact with other materials that may cause staining, denting, or other surface damage.

PART 2 - PRODUCTS

2.1 MANUFACTURED UNITS

- A.** Meet NFPA 33 standards for fire resistance
- B.** Meet OSHA CFR 29.1910.107 guidelines
- C.** Size: 7 foot wide x 18 foot long x 8 foot tall. Configuration shall match plans.
- D. Modular Wall and Roof Panels:**
1. Interior and exterior metal surfaces precision formed in standard width increments.
 2. Air-tight 18-gage galvanized steel construction with nut and bolt construction and pre-punched panels.
- E. Lighting:** Five 48", 4-tube Class I, Division I fluorescent Light Fixtures with color correcting lamps having a minimum CRI of 90 and Kelvin 5000° K temperature.
- F. Mechanical Ventilation:**
1. Exhaust fan must be as shown.
 2. Ventilation Ductwork through roof.
 3. Filtered air intake plenum and filtered exhaust plenum.
- G. Door:**
1. Opening: 36 inches by 78 inches.
 2. Swinging Door: 1-3/4 inches thick; tubular-frame design fabricated from galvanized steel; with top half of door glazed. Equip door with deadlock, three butt hinges, closer, and full weather stripping.
 3. Glazing: Fixed unit with clear tempered float glass.

133425 PAINT SPRAY BOOTH

LEED Submittals:

IEQ Credit 4.1, Low-Emitting Materials—Adhesives and Sealants: Submit product data for adhesives, sealants, and sealant primers to be used indicating VOC content. Limit of VOC content must be within allowable levels of this credit.

133425A(5) Closeout Submittals

Operation and Maintenance Manuals:

Prior to the completion of the contract, submit 3 identified copies of the operation and maintenance instructions with parts lists for the equipment used. The instructions and parts lists must be indexed and bound in a manual form and must be complete and adequate for the equipment installed. Inadequate or incomplete material must be returned. The Contractor must resubmit adequate and complete manuals at no expense to the State.

Operation and maintenance manuals must be submitted for the following equipment:

- Paint Spray Booth
- Makeup Air Unit
- Exhaust Fan
- Lighting and Electrical Systems
- Control System

133425A(6) Quality Control and Assurance

Codes and Standards: Paint spray booth must be installed in accordance with the requirements of the applicable codes, manufacturer's recommendations, and the requirements herein.

Qualifications:

Manufacturer's Qualifications: The manufacturer of the paint spray booth and associated systems must be regularly engaged in the design and fabrication of paint spray booths and associated systems for a period of not less than 5 years. The manufacturer must be capable of furnishing compatible auxiliary booth components and accessories shown or specified.

Installers Qualifications: The installer of the paint spray booth must be approved, authorized, or licensed by the paint spray booth manufacturer to erect and install the manufacturer's product.

133425A(7) Delivery and Storage

Deliver and store paint spray booth and associated equipment in manufacturer's unopened marked packaging until ready for installation.

Store products in a clean weather tight location. Prevent contact with other materials that may stain, dent, or damage the products.

133425A(8) Warranty

Warranties and Guarantees: Manufacturer's warranties and guarantees for materials and equipment used in the work must be delivered to the Engineer at the jobsite prior to acceptance of the contract

133425B Materials

133425B(1) Paint Spray Booth

Paint spray booth must be pre-engineered pass thru style booth with cross flow configuration and have minimum clear inside dimensions of 32 feet long by 16 feet wide by 12 feet tall. Booth must include an exhaust system, make-up air system with heat, control system, and automatic fire sprinkler system fed from the building fire sprinkler system. Booth sprinkler system must be reviewed and approved by the State Fire Marshal.

The booth must be modular construction and fabricated from preformed steel panels with double wall construction with internal support members. Booth construction must be non-combustible. Interior surfaces of the booth must be smooth and continuous without edges to prevent the accumulation of overspray and to provide a surface that is easily cleanable.

BLAST BOOTH

- Blast Booth
- Blast Recovery Units
- Exhaust Fan
- Lighting and Electrical Systems
- Control System

Shop Drawings:

Shop Drawings for the Blast Booth and associated systems must be submitted for approval.

Provide detailed drawing showing plans, elevations, sections, and details for all components. Include rough-in clearances and maintenance requirements. Layout of booth, mechanical work, and electrical work as well as wiring and control diagrams and calculations of lighting levels inside the booth must be included.

Test and Evaluation Reports

Test and evaluation reports for the Blast Booth and associated systems must be submitted for approval. In addition, reports must be signed and dated by the contractor and supervisor who performed the testing.

Test and evaluation reports must include information indicating proper operation of the booth, HVAC systems, electrical systems, safety systems, control systems, as well as temperature testing and air balancing .

LEED Submittals:

IEQ Credit 4.1, Low-Emitting Materials—Adhesives and Sealants: Submit product data for adhesives, sealants, and sealant primers to be used indicating VOC content.

133426A(5) Closeout Submittals

Operation and Maintenance Manuals:

Prior to the completion of the contract, submit 3 identified copies of the operation and maintenance instructions with parts lists for the equipment used. The instructions and parts lists must be indexed and bound in a manual form and must be complete and adequate for the equipment installed. Inadequate or incomplete material must be returned. The Contractor must resubmit adequate and complete manuals at no expense to the State.

Operation and maintenance manuals must be submitted for the following equipment:

- Blast Booth
- Blast Recovery Units
- Exhaust Fan
- Lighting and Electrical Systems
- Control System

133426A(6) Quality Control and Assurance

Codes and Standards: Blast booth must be installed in accordance with the requirements of the applicable codes, manufacturer's recommendations, and the requirements herein.

Qualifications:

Manufacturer's Qualifications: The manufacturer of the blast booth and associated systems must be regularly engaged in the design and fabrication of blast booths and associated systems for a period of not less than 5 years. The manufacturer must be capable of furnishing compatible auxiliary booth components and accessories shown or specified.

Installers Qualifications: The installer of the blast booth must be approved, authorized, or licensed by the blast booth manufacturer to erect and install the manufacturer's product.



DEPARTMENT OF CONSUMER AFFAIRS

Contractors State License Board

Contractor Name Search Results

Select the license number you would like to check for status, or return and enter another name search.

Name Type	Contractor Name	License	City	Status
DBA	MAC'S PLUMBING	<u>420241</u>	ROSEVILLE	Expired
DBA	MAC'S PLUMBING	<u>489551</u>	SACRAMENTO	Expired
Previous	MAC'S PLUMBING & S	<u>420241</u>	ROSEVILLE	Expired
DBA	MAC'S PLUMBING COMPANY INC	<u>229830</u>	SANTA PAULA	Cancelled
DBA	MAC'S PLUMBING INC	<u>832524</u>	ELK GROVE	Expired
DBA	MAC'S POOL AND SPA SUPPLY	<u>645977</u>	SANTA CLARITA	Active
DBA	MAC'S REFRIGERATION SERVICE	<u>321031</u>	EUREKA	Active
DBA	MAC'S REMODELING	<u>920618</u>	ROCKLIN	Active
DBA	MAC'S ROOFING	<u>388100</u>	COTTONWOOD	Inactive
Previous	MAC'S ROOFING	<u>405176</u>	NOVATO	Active
DBA	MAC'S ROOFING	<u>475138</u>	NOVATO	Cancelled
DBA	MAC'S ROOFING INC	<u>405175</u>	NOVATO	Active
DBA	MAC'S ROOFING INC	<u>473210</u>	COTTONWOOD	Expired
DBA	MAC'S SHEET METAL & HEATING	<u>295483</u>	LOS GATOS	Expired
DBA	MAC'S SHEET METAL INC	<u>575470</u>	LOS GATOS	Expired
DBA	MAC'S SKIP & DUMP INC	<u>381812</u>	ORANGE	Expired
DBA	MAC'S SOLAR	<u>402873</u>	SANTA BARBARA	Cancelled
Previous	MAC'S SOLAR	<u>477233</u>	SANTA BARBARA	Active
DBA	MAC'S 6ON PLUMBING	<u>382088</u>	RIVERSIDE	Expired
DBA	MAC'S TRAILER SALES	<u>275188</u>	BAKERSFIELD	Expired
DBA	MAC'S TREE SERVICE	<u>680833</u>	WILDOMAR	Active
Previous	MAC'S TREE SERVICE	<u>580633</u>	WILDOMAR	Active
DBA	MAC'S TREE SERVICE THE	<u>708573</u>	PACIFICA	Expired
DBA	MAC'S TREE SERVICE THE	<u>988591</u>	PACIFICA	Active
Previous	MAC'S TREE SPECIALIST	<u>381188</u>	SAN DIEGO	Active
DBA	MACA BUILDERS INCORPORATED	<u>579071</u>	SAN FRANCISCO	Active
DBA	MACABE W J	<u>551310</u>	WILDOMAR	Active
DBA	MACABE WILLIAM J	<u>307891</u>	AZUSA	Cancelled
DBA	MACABE'S LANDSCAPE SERVICES	<u>889470</u>	HAYWARD	Active
DBA	MACABEO JOSE RICHARD	<u>485888</u>	CORONA	Inactive
Previous	MACABUHAY ALEXANDER	<u>943103</u>	WESTMINSTER	Active
Previous	MACABUHAY ALEXANDER	<u>943103</u>	WESTMINSTER	Active
DBA	MACADEE ELECTRICAL CONSTRUCTION	<u>483710</u>	CHINO HILLS	Expired
DBA	MACADEE ELECTRICAL CONSTRUCTION	<u>583125</u>	CHINO	Active
Previous	MACADI CONSTRUCTION	<u>752824</u>	EAST RANCHO DOMINGUEZ	Expired
DBA	MACAGNO'S CONSTRUCTION	<u>491271</u>	AHWAHNEE	Expired
DBA	MACAIR SYSTEMS	<u>801141</u>	MARTINEZ	Expired
Previous	MACAIRE GARDENS	<u>262855</u>	SHERMAN OAKS	Expired
DBA	MACAIRE KEIKO	<u>647085</u>	SHERMAN OAKS	Expired
DBA	MACAIRE KENNETH FRANK	<u>262855</u>	SHERMAN OAKS	Expired
DBA	MACAITIS RICHARD R CONSTRUCTION	<u>524831</u>	ALAMEDA	Expired
DBA	MACALA CONSTRUCTION CORP	<u>934790</u>	CORONA	Inactive
Previous	MACALLISTER PAUL L	<u>406749</u>	CORONA	Inactive
DBA	MACALPIN G CONSTRUCTION	<u>979589</u>	IMPERIAL BEACH	Active
DBA	MACALUSO C J JR	<u>413605</u>	SANTA BARBARA	Expired
DBA	MACALUSO DOMINICK JR	<u>429640</u>	CARSON CITY	Expired



DEPARTMENT OF CONSUMER AFFAIRS

Contractors State License Board

Contractor Name Search Results

Select the license number you would like to check for status, or return and enter another name search.

Name Type	Contractor Name	License	City	Status
DBA	MAC PLUMBING	<u>292990</u>	PALOS VERDES PENINSULA	Expired
DBA	MAC PLUMBING	<u>805189</u>	HAWTHORNE	Expired
DBA	MAC PLUMBING	<u>880082</u>	YUCAIPA	Expired
DBA	MAC POWER	<u>894711</u>	CINCINNATI	Inactive
DBA	MAC QUARRIE WILLIAM T GENERAL CONTRACTORS	<u>287097</u>	NAPA	Active
Previous	MAC QUARRIE WILLIAM T-GEN CONTRACTORS	<u>267087</u>	NAPA	Active
DBA	MAC QUARRIE-HOWARD INCORPORATED	<u>398429</u>	NAPA	Expired
Previous	MAC QUIDDY CONSTRUCTION	<u>842557</u>	DANA POINT	Active
DBA	MAC QUIDDY HOME IMPROVMENT	<u>842557</u>	DANA POINT	Active
DBA	MAC QUIDDY RAND R	<u>374813</u>	CULVER CITY	Expired
DBA	MAC QUIDDY RUSS R	<u>143436</u>	SALINAS	Expired
DBA	MAC QUILLIAM K T	<u>788850</u>	ALISO VIEJO	Active
DBA	MAC QUOID MALCOLMS	<u>363395</u>	PARK CITY	Expired
DBA	MAC QUOWN DAVID	<u>588533</u>	CARMEL	Inactive
Previous	MAC R C CONSTRUCTION CO	<u>712117</u>	MURRIETA	Active
DBA	MAC RAE BUILDERS	<u>988736</u>	BERKELEY	Inactive
DBA	MAC RAE BUILDERS INC	<u>910382</u>	BERKELEY	Expired
DBA	MAC RAE CONSTRUCTION INC	<u>457450</u>	SANTA CRUZ	Expired
DBA	MAC RAE JAMES	<u>453748</u>	SANTA CRUZ	Expired
DBA	MAC RAE MARK LINDSEY GENERAL CONTRACTOR	<u>377436</u>	LAGUNA BEACH	Active
DBA	MAC RAE RICHARD A	<u>289945</u>	SEBASTOPOL	Expired
DBA	MAC RAK INC	<u>786432</u>	CREST HILL	Expired
DBA	MAC REFRIGERATION AND AIR CONDITIONING CO	<u>580557</u>	DIAMOND BAR	Active
DBA	MAC REMODELING	<u>953450</u>	WEST HILLS	Active
DBA	MAC RESTORATIONS INC	<u>945041</u>	SAN CLEMENTE	Active
DBA	MAC ROB CONSTRUCTION	<u>481891</u>	IRVINE	Cancelled
DBA	MAC ROOFING	<u>816837</u>	ESCONDIDO	Expired
DBA	MAC RUNNEL TIM CONSTRUCTION	<u>545871</u>	REDLANDS	Expired
DBA	MAC RUNNEL'S DOUGLAS CABINETS	<u>487954</u>	SAN BERNARDINO	Expired
DBA	MAC SERVICES	<u>883925</u>	RIVERSIDE	Expired
DBA	MAC SHARRY MICHAEL F	<u>731426</u>	FREMONT	Expired
DBA	MAC STUDIOS	<u>501880</u>	LOS ANGELES	Expired
DBA	MAC SWEEN AL MASONRY	<u>289132</u>	BOZEMAN	Expired
DBA	MAC SWEEN IAN CONSTRUCTION COMPANY	<u>187340</u>	CARSON CITY	Expired
Name	MAC TARLTON AND PATRICK A MARTIN	<u>823973</u>	HAYWARD	Expired
Previous	MAC TARLTON AND PATRICK A MARTIN	<u>623973</u>	HAYWARD	Expired
DBA	MAC TAVISH AND MAC DUFF DEVELOPMENT COMPANY	<u>593127</u>	RIVERSIDE	Cancelled
DBA	MAC TAVISH ROBERT S	<u>520904</u>	LOS ANGELES	Expired
DBA	MAC TAVISH STUART	<u>747086</u>	TUCSON	Expired
DBA	MAC THANH HA CONSTRUCTION	<u>772210</u>	LOS ANGELES	Expired
DBA	MAC THE INSPECTOR	<u>784440</u>	SAN DIEGO	Active
Previous	MAC THE PLUMBER	<u>288525</u>	PERRIS	Cancelled
DBA	MAC THOMPSON	<u>717022</u>	DALY CITY	Expired
DBA	MAC THOMPSON	<u>730284</u>	EL MONTE	Inactive