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

Flex your power!
Be energy efficient!

October 28, 2013

Facsimile: (866) 440-0002

Brian Lauer, President
SLS Construction, Inc.
10769 Woodside Avenue, Suite 202
Santee, CA 92071

06-0N3904
06-Tul-245-20.8
B.O. 09/18/2013

Dear Mr. Lauer:

The Department of Transportation (Caltrans) received a bid submitted by SLS Construction, Inc. (SLS) for Contract No. 04-0N3904 on September 18, 2013. By this letter, Caltrans notifies SLS that its bid is nonresponsive because the Bid Items in column 4 of Subcontractor List form are not consistent with the description of subcontracted work in column 4 of the 24-hour submission of the form.

The Subcontractor List form states in part, "...*Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916) 227-6282 within 24 hours after the bid opening. Failure to provide complete information in columns 1 through 4 within the time specified will result in a nonresponsive bid.*"

On the Subcontractor List form submitted with the bid, SLS identified Acacia as only performing Bid Items 15, 16, 19, 20, and 21. SLS also identified Bert W. Salas (BWS) as performing Bid Items 22, 23, 24, and 25 (partial). However, on the 24-hour Subcontractor List form submitted on September 19, 2013, Bid Items 12 and 13 were added in column 2 as work to be performed by Acacia. In addition, SLS removed Bid Item 25 from the work to be performed by BWS. These revisions are a violation of the subcontractor listing laws.

In addition, Section 2-1.12B(2) of the revised 2010 Standard Specifications states in part, "...*The Disadvantaged Business Enterprise (DBE) commitment form must be received by the Office Engineer no later than 4:00 p.m. on the 4th business day after bid opening...Submit written confirmation with the DBE commitment form...if you do not submit the DBE commitment form by the specified time, your bid is nonresponsive.*" SLS failed to provide written confirmation for each DBE firm with its DBE Commitment form.

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 Amendments to 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 p.m., 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

Enclosure

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION

SUBCONTRACTOR LIST

DES-OE-0102.2 (REV 3/2011)

Bidder Name: SLS Construction Inc.

The bidder must identify each subcontractor performing work in an amount in excess of 1/2 of 1 percent of the total bid or $10,000, whichever is greater (Pub Cont Code § 4100 et seq.). Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916) 227-6282 within 24 hours after the bid opening. Failure to provide complete information in columns 1 through 4 within the time specified will result in a nonresponsive bid.

Column 1: Business Name and Location	**Column 2:** Bid Item Nos.	**Column 3:** Percentage of Bid Item Subcontracted	**Column 4:** Description of Subcontracted Work
Acacia Erosion Control 604 S. San Marcos Rd. Santa Barbara, CA. 93111	15	60%	Plant Group M
	16	33%	Plant Establishment
	12	100%	Mulch
	13	18%	Fertilizer Packet
	19	64%	Hydro Mulch
	20	65%	Straw
	21	65%	Hydroseed
Bert W. Salas Inc. Santee, Ca. 92071	22	25%	Rock Slope Protection
	23	25%	Rock Slope Protection
	24	25%	Rock Slope Protection
Statewide Safety 3049 S Golden St. Fresno, CA. 93725	1	27%	Construction Area Signs
Natina Palm Desert, CA. 92261	14	63%	Rock Stain

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION

SUBCONTRACTOR LIST

DES-OE-0102.2 (REV 3/2011)

Bidder Name: SLS CONSTRUCTION

The bidder must identify each subcontractor performing work in an amount in excess of 1/2 of 1 percent of the total bid or $10,000, whichever is greater (Pub Cont Code § 4100 et seq.). Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916) 227-6282 within 24 hours after the bid opening. Failure to provide complete information in columns 1 through 4 within the time specified will result in a nonresponsive bid.

Column 1: Business Name and Location	**Column 2:** Bid Item Nos.	**Column 3:** Percentage of Bid Item Subcontracted	**Column 4:** Description of Subcontracted Work
ACACIA 604 S. SAN MARCOS SANTA BARBARA CA. 93111			15, 16, 19, 20, 21
BERT W. SALAS 10769 WOODSIDE #201 SANTEE, CA 92071			22, 23, 24, 25 PARTIAL
STATE WIDE TRAFFIC & SAFETY 3049 S. GOLDEN ST. FRONTAGE RD. FRESNO, CA. 93725			1
NATINA P.O BOX 4563 PALM DESERT CA. 92261			14

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2-1.12B(2) UDBE Commitment Submittal

Submit UDBE information on the *Caltrans Bidder - UDBE - Commitment* form (UDBE commitment form) included in the *Bid* book. If the form is not submitted with the bid, remove the form from the *Bid* book before submitting your bid.

If the UDBE commitment form is not submitted with the bid, the apparent low bidder, the 2nd low bidder, and the 3rd low bidder must complete and submit the form to the Office Engineer. The UDBE commitment form must be received by the Office Engineer no later than 4:00 p.m. on the 4th business day after bid opening.

Other bidders are not required to submit the UDBE commitment form unless the Department requests it. If the Department requests a UDBE commitment form from you, submit the completed form within 4 business days of the request.

Submit written confirmation from each UDBE shown on the form stating that it will be participating in the Contract. Include confirmation with the UDBE commitment form. A copy of a UDBE's quote will serve as written confirmation that the UDBE will be participating in the Contract.

If you do not submit the UDBE commitment form by the specified time, your bid is nonresponsive.

2-1.12B(3) Good Faith Efforts Submittal

If you have not met the UDBE goal, complete and submit the *Good Faith Efforts Documentation* form with the bid showing that you made adequate good faith efforts to meet the goal. Only good faith efforts directed toward obtaining participation by UDBEs are considered. If good faith efforts documentation is not submitted with the bid, it must be received by the Office Engineer no later than 4:00 p.m. on the 4th business day after bid opening.

If your UDBE commitment form shows that you have met the UDBE goal or if you are required to submit the UDBE commitment form, you must submit good faith efforts documentation within the specified time to protect your eligibility for award of the contract in the event the Department finds that the UDBE goal has not been met. Good faith efforts documentation must include the following information and supporting documents, as necessary:

1. Items of work you have made available to UDBE firms. Identify those items of work you might otherwise perform with your own forces and those items that have been broken down into economically feasible units to facilitate UDBE participation. For each item listed, show the dollar value and percentage of the total bid. You are responsible to demonstrate that sufficient work to meet the goal was made available to UDBE firms.
2. Names of certified UDBEs and dates on which they were solicited to bid on the project. Include the items of work offered. Describe the methods used for following up initial solicitations to determine with certainty whether the UDBEs were interested and include the dates of the follow-up. Attach supporting documents such as copies of letters, memos, facsimiles sent, telephone logs, telephone billing statements, and other evidence of solicitation. You are reminded to solicit certified UDBEs through all reasonable and available means and provide enough time to allow UDBEs to respond.
3. Name of selected firm and its status as a UDBE for each item of work made available. Include name, address, and telephone number of each UDBE that provided a quote and its price quote. If the firm selected for the item is not a UDBE, provide the reasons for the selection.
4. Name and date of each publication in which you requested UDBE participation for the project. Attach copies of the published advertisements.
5. Names of agencies and dates on which they were contacted to provide assistance in contacting, recruiting, and using UDBE firms. If the agencies were contacted in writing, provide copies of supporting documents.
6. List of efforts made to provide interested UDBEs with adequate information about the plans, specifications, and requirements of the contract to assist them in responding to a solicitation. If you have provided information, identify the name of the UDBE assisted, the nature of the information provided, and date of contact. Provide copies of supporting documents, as appropriate.
7. List of efforts made to assist interested UDBEs in obtaining bonding, lines of credit, insurance, necessary equipment, supplies, and materials excluding supplies and equipment that the UDBE subcontractor purchases or leases from the prime contractor or its affiliate. If such assistance is provided by you, identify the name of the UDBE assisted, nature of the assistance offered, and date assistance was offered. Provide copies of supporting documents, as appropriate.

** Transmit Conf.Report **

P.1 Oct 28 2013 02:24pm
CALTRANS CONTR AWARDS Fax 916-227-6282

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STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY EDMUND G. BROWN Jr., Governor

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