

JABRE CONTRACTING

1950 220th Suite 101, St. Long Beach, CA 90810
License #698556 A, Small Business #1744323

October 18, 2013

Department of Transportation
Office Engineer MS 43
1727 30th Street,
Sacramento, CA 95816-8041

Attn: John McMillan,
Duty Division Chief
Fax 916 227-6282

Sub: Bid Protest for Caltrans Contract # 09-353304

Dear Mr. McMillan,

Jabre Contracting is protesting the award of contract #09-353304 which bid on October 9th, 2013 from Herback General Engineering for not listing Gold and Sons Trucking consistent with the names and items of work on the Certified DVBE Summary and the Subcontractors list.

Herback General Engineering listed Gold and Sons Trucking on the Subcontractors List for items 40, 41, 52 for 5% of those items which total \$654,207.80. Five percent of these items would be \$32,710.39.

Herback General Engineering then listed Gold and Sons Trucking on the Certified DVBE Summary for items 41, 49, and 52 for a lump sum \$12,052.00 with no back up. These items are not consistent with the Subcontractors list.

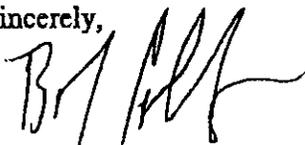
Per the Certified DVBE Summary sheet *"Names of the first tier DVBE subcontractors and their items of work listed must be consistent with the names and items of work in the Subcontractor List (Pub Cont Code 4100 et seq.) submitted with the bid"*.

The DVBE Summary also states that *"if 100% of an item is not performed or supplied by the DVBE's describe the exact part, including planned location of work to be performed,*

of item to be performed or supplied by DVBE". Thus, meaning back up with prices and or time with rates.

For these numerous faults, Jabre Contracting is protesting this bid and Caltrans should award the job to the next responsible bidder which is Jabre Contracting. Please find the attached documents for your reference.

Sincerely,



Bob Collins
President
(310) 720-0277

Attachments

Low (In Bid Book)

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
CERTIFIED DVBE SUMMARY
 DES-0E-0102.5 (REV 3/2008)

Low Bidder

DISTRICT-COUNTY-ROUTE: 09 Mtn. 395-34.1
 CONTRACT NO.: 09-353304
 TOTAL BID: 973,104.55
 BID OPENING DATE: October 9, 2013
 BIDDER'S NAME: Herback General Engineering
 DVBE PRIME CONTRACTOR CERTIFICATION: _____

No back up

Bid Item Number	Description of Work to Be Subcontracted to DVBE or Materials to Be Supplied by	For Caltrans Only	DVBE (Name, Telephone No., and Certification No.)	\$ Amount
<p><i>Not on Subcontractors List</i></p> <p>49, 41, 52</p> <p><i>MISSING item 40</i></p>	Trucking		Gold & Sons Trucking 209-418-5208 #1196000	\$12,052.00
52	Pipe Material & Block Retaining Wall Materials		Supply Patriot 714-916-5654 #1449580	\$42,950.00
				<i>No back up</i>
<p>Names of first tier DVBE subcontractors and their items of work listed must be consistent with the names and items of work in the Subcontractor List (Pub Cont Code § 4100 et seq.) submitted with the bid. Identify second and lower tier subcontractors on this form.</p>				<p>Total Claimed Participation</p> <p>\$ <u>55,002.00</u></p> <p><u>5.6</u> %</p>

1. DVBE prime contractors must enter their DVBE reference number or their DBA name as listed with Department of General Services (DVBE prime contractors are certified with 100 percent DVBE participation and need not complete the above table).

2. If 100% of an item is not performed or supplied by the DVBEs, describe the exact part, including the planned location of work to be performed, of item to be performed or supplied by DVBE.

Submit to:

MSC 43
 OFFICE ENGINEER
 DEPARTMENT OF TRANSPORTATION
 1727 30TH STREET
 SACRAMENTO, CA 95818-7005

[Signature] 10/18/13
 Signature of Bidder Date
775-2167-6800
 (Area Code) Telephone Number
Greg Herback
 Contact Person (Type or Print)

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
 DES-OE-0102.2 (REV 3/2011)

Bidder Name: Herbeck General Engineering

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
Gold & Sons Trucking Tone, CA	40, 41 52	5%	Trucking
Pavement Recycling Systems Jurupa Valley, CA	39	38%	Asphalt Pulverization
AC Dike Co. Lincoln, CA	41, 43	27%	Place AC Dike Tack Coat
Entek Consulting Rocklin, CA	1, 10, 52	4.2%	Health & Safety Plan Training Clearance Air Sample
NEM Contracting Group Hayward, CA	52	64%	Abatement & Demolition
ACACIA Erosion Control Santa Barbara, CA	34, 35, 36, 37, 38	90%	Erosion Control

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.