



October 29, 2015

VIA FACSIMILE (916) 227-6282 AND U.S. MAIL

John C. McMillan  
Deputy Division Chief  
Office Engineer  
Division of Engineering Services  
State of California  
Department of Transportation (Caltrans)  
1727 30<sup>th</sup>, Bidder Exchange, MS 43  
Sacramento, CA 95816-8041

Subject: Contract No. 10-1C2104  
Bids Opened: October 21, 2015  
**Bid Protest**

Dear Mr. McMillan:

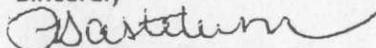
We have reviewed the posted bid results for subject project and hereby protest the apparent low bidder, St. Francis Electric. St. Francis Electric did not comply with Subletting and Subcontracting Fair Practices Act – Listing. Tim Paxin's Pacific Excavation, Inc. is the lowest responsive and responsible bidder on Caltrans Contract No. 10-1C2104.

Listing of Subcontractors

Tim Paxin's Pacific Excavation has listed Centerline Striping for 100% of the striping items. We have also listed Intelcom Data & Fiber for fiber testing and terminations. Goodfellow Top Grade for 17 road work items and MBI for the Guardrail items subcontract totaling \$911,558.00. In addition, the other bidders have listed subcontractors to perform the same items of work ranging from \$930,000 to \$2,095,868.91. The apparent low bidder has failed to list subcontractors for these same items of work, which they do not self-perform. St Francis Electric listed subcontracts totaling \$95,136.20 for partial roadwork only. Evidence of St Francis Electric listing subcontractors on other contracts for the same type of work is provided on the following CalTrans contracts: 10-1C2204 and 10-0K3404.

We respectfully request that the State find the bid submitted by St Francis Electric as non-responsive based upon their failure to comply with Subletting and Subcontracting Fair Practices Act. We request that the State proceed with awarding subject contract to Tim Paxin's Pacific excavation as the lowest and most responsive bid proposal.

Sincerely

  
Prescilla Gastelum  
Corporate Secretary

See attached  
For reference

9796 Kent Street • Elk Grove, California 95624  
(916) 686-2800 • (916) 686-2806 Fax

## SUBLETTING AND SUBCONTRACTING FAIR PRACTICES ACT -- LISTING

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Under Public Contract Code section 4104, a subcontractor who will perform work or labor or render service to the prime contractor or a subcontractor licensed by the State of California who fabricates and installs a portion of the work, in excess of one-half of 1 percent of the prime contractor's total bid or ten thousand dollars (\$10,000), whichever is greater must be listed.

Pursuant to Business and Professions Code section 7026, "Contractor," for the purposes of this chapter, is synonymous with "builder" and, within the meaning of this chapter, a contractor is any person who undertakes to or offers to undertake to, or purports to have the capacity to undertake to, or submits a bid to, or does himself or herself or by or through others, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building, highway, road, parking facility, railroad, excavation or other structure, project, development or improvement, or to do any part thereof, including the erection of scaffolding or other structures or works in connection therewith, or the cleaning of grounds or structures in connection therewith, or the preparation and removal of roadway construction zones, lane closures, flagging, or traffic diversions, or the installation, repair, maintenance, or calibration of monitoring equipment for underground storage tanks, and whether or not the performance of work herein described involves the addition to, or fabrication into, any structure, project, development or improvement herein described of any material or article of merchandise. "Contractor" includes subcontractor and specialty contractor. "Roadway" includes, but is not limited to, public or city streets, highways, or any public conveyance.

Pursuant to Business and Professions Code section 7052, This chapter does not apply to any person who only furnishes materials or supplies without fabricating them into, or consuming them in the performance of, the work of the contractor.

Caltrans interprets these sections to mean:

- 1) A company that is providing equipment rental service is not required to be listed as a subcontractor
- 2) A company that is providing equipment rental with operator services is required to be listed



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 DIR #1000000188

BID PROPOSAL	
DATE	ESTIMATE NO.
10/13/15	

**PROJECT**  
**#10-1C2204**

ITEM #	ITEM DESCRIPTION	PACIFIC EXC SUBS	PEI SUB AMT	ST FRANCIS SUBS	ST FRANCIS SUB AMT
1	LEAD COMPLIANCE PLAN	ADANTA	\$1,250.00	APPIAN SWPPP	\$1,500.00
2	CONSTRUCTION AREA SIGNS	STATEWIDE SAFETY	\$27,500.00	STATEWIDE SAFETY	\$27,500.00
3	TRAFFIC CONTROL SYSTEM			STATEWIDE SAFETY	\$99,000.00
4	PORTABLE CHANGEABLE MESSAGE SIGN	FLASH SAFETY	\$30,000.00	STATEWIDE SAFETY	\$36,000.00
5	JOB SITE MANAGEMENT	ALFRED CIVIL ENG	\$18,000.00		
6	PREPARE WATER POLLUTION CONTROL PROGRAM	ALFRED CIVIL ENG	\$600.00	APPIAN SWPPP	\$700.00
7	TEMPORARY CONCRETE WASHOUT				
8	TREATED WOOD WASTE	MBI	\$61.50	MBI	\$62.50
9	REMOVE GUARDRAIL	MBI	\$1,200.00	MBI	\$1,200.00
10	REMOVE SIGN STRUCTURE (EA)	MBI	\$6,200.00	MBI	\$6,200.00
11	60" CAST-IN-DRILLED-HOLE CONCRETE PILE (SIGN FOUNDATION)	MBI	\$33,220.00	MBI	\$33,220.00
12	FURNISH SIGN STRUCTURE (TRUSS)	MBI	\$55,360.00	MBI	\$55,360.00
13	INSTALL SIGN STRUCTURE (TRUSS)	MBI	\$5,536.00	MBI	\$5,536.00
14	GUARD RAILING DELINEATOR	MBI	\$45.00	STATEWIDE SAFETY	\$99.00
15	OBJECT MARKER (TYPE L-1)	MBI	\$50.00	STATEWIDE SAFETY	\$65.00
16	MIDWEST GUARDRAIL SYSTEM (WOOD POST)	MBI	\$3,402.00	MBI	\$3,402.00
17	VEGETATION CONTROL (MINOR CONCRETE)	MBI	\$9,130.00		\$9,130.00
18	ALTERNATIVE FLARED TERMINAL SYSTEM	MBI	\$5,200.00	MBI	\$5,200.00
19	MAINTAINING EXISTING TRAFFIC MANAGEMENT SYSTEM ELEMENTS DURING CONSTRUCTION				
20	MODIFY TRAFFIC MONITORING STATION				
21	MODIFY ROADSIDE WEATHER INFORMATION SYSTEM				
22	MODIFY TRAFFIC OPERATION SYSTEM				
23	ROADSIDE WEATHER INFORMATION SYSTEM				
24	FIBER OPTIC SYSTEM	INTELECOM	\$97,115.00	PHASE 3 COMM	\$168,029.62
25	MOBILIZATION				

\$293,869.50

\$452,204.12



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BID PROPOSAL	
DATE	
10/14/15	

PROJECT	
#10-OK3404	

ITEM #	ITEM DESCRIPTION	PACIFIC EXC SUBS	PACIFIC SUB AMT	ST. FRANCIS SUBS	ST. FRANCIS SUB AMT
1	LEAD COMPLIANCE PLAN	ADANTA	\$1,250.00	APPIAN SWPPP	\$1,650.00
2	CONSTRUCTION AREA SIGNS	STATEWIDE SAFE	\$46,500.00	STATEWIDE SAFE	\$46,500.00
3	TRAFFIC CONTROL SYSTEM	KRC	\$80,000.00	STATEWIDE SAFE	\$100,500.00
4	PORTABEL CHANGEABLE MESSAGE SIGN (LS)	FLASH SAFETY	\$30,000.00	STATEWIDE SAFE	\$36,000.00
5	JOB SITE MANAGEMENT	ALFRED CIVIL ENG	\$18,000.00		
6	PREPARE WATER POLLUTION CONTROL PROGRAM	ALFRED CIVIL ENG	\$600.00	APPIAN SWPPP	\$770.00
7	TEMPORARY DRAINAGE INLET PROTECTION				
8	TEMPORARY CONCRETE WASHOUT				
9	TREATED WOOD WASTE	MBI	\$182.00		
10	REMOVE GUARDRAIL	MBI	\$800.00		
11	REMOVE ASPHALT CONCRETE DIKE				
12	MINOR HOT MIX ASPHALT			AC DIKE	\$2,475.00
13	PLACE HOT MIX ASPHALT DIKE (TYPE C)	AC DIKE	\$2,600.00	AC DIKE	\$2,925.00
14	PLACE HOT MIX ASPHALT DIKE (TYPE F)	AC DIKE	\$1,600.00	AC DIKE	\$1,800.00
15	MIDWEST GUARDRAIL SYSTEM (STEEL POST)	MBI	\$5,315.00		
16	END ANCHOR ASSEMBLY (TYPE SFT)	MBI	\$1,200.00		
17	ALTERNATIVE IN-LINE TERMINAL SYSTEM	MBI	\$3,000.00		
18	ALTERNATIVE FLARED TERMINAL SYSTEM	MBI	\$2,600.00		
19	MAINTAINING EXISTING TRAFFIC MANAGEMENT SYSTEM ELEMENTS DURING CONSTRUCTION				
20	MODIFY VEHICLE CLASSIFICATION STATION				
21	TRAFFIC MONITORING STATION				
22	TRAFFIC OPERATION SYSTEM				
23	FIBER OPTIC SYSTEM	INTELECOM	\$19,748.00	INTEGRITY	\$29,117.00
24	MOBILIZATION				

\$213,395.00

\$221,737.00



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PROJECT	
#10-1C2104	

ITEM #	ITEM DESCRIPTION	PACIFIC EXC SUBS	PAC EXC SUB AMT	ST FRANCIS SUBS	ST FRANCIS SUB AMT	TENNYSON SUBS	TENNYSON SUB AMT	AEGIS SUBS	AEGIS SUB AMT
1	LEAD COMPLIANCE PLAN	ADANTA	\$1,250.00			CHRISP	\$2,000.00	CHRISP	\$1,400.03
2	CONSTRUCTION AREA SIGNS							CONST AREA PRO	\$7,300.57
3	TRAFFIC CONTROL SYSTEM	KRC / TOP GRDE	\$90,760.00	TOP GRADE	\$37,500.00			CHRISP/RGW WESTERN TRAFIC SUPPLY	\$217,804.76
4	TEMPORARY TRAFFIC STRIPE (TAPE)	CENTERLINE	\$10,880.00			CHRISP	\$12,512.00	CHRISP	\$10,867.54
5	CHANNELIZER (SURFACE MOUNTED)	TOP GRADE	\$4,275.00	TOP GRADE	\$1,881.00	TOP GRADE	\$5,130.00		
6	TEMPORARY PAVEMENT MARKER	CENTERLINE	\$520.00			CHRISP	\$598.00	CHRISP	\$520.15
7	PORTABLE CHANGEABLE MESSAGE SIGN (LS)	FLASH SAFETY	\$22,000.00					RGW / WESTERN TRAFIC SUPPLY	\$20,500.00
8	TEMPORARY RAILING (TYPE K)	TOP GRADE	\$20,400.00	TOP GRADE	\$39,950.00	TOP GRADE	\$22,950.00	RGW	\$52,707.68
9	TEMPORARY CRASH CUSHION MODULE	TOP GRADE	\$2,200.00	TOP GRADE	\$3,850.00	TOP GRADE	\$2,750.00	RGW	\$5,348.32
10	JOB SITE MANAGEMENT	TULLY	\$10,875.00					TEAM EES	\$14,521.30
11	PREPARE STORM WATER POLLUTION PREVENTION PLAN	TULLY	\$2,600.00					TEAM EES	\$2,299.95
12	STORM WATER ANNUAL REPORT	TULLY	\$250.00					TEAM EES	\$901.80
13	TEMPORARY CONCRETE WASHOUT							M & M HANSEN	\$1,000.00
14	TEMPORARY FENCE (TYPE ESA)	TOP GRADE	\$12,800.00	TOP GRADE	\$11,955.20	NITTA ERRISON	\$15,360.00	TEAM EES	\$7,192.91
15	TREATED WOOD WASTE	MBI	\$85.00			MBI	\$977.50		
16	REMOVE GUARDRAIL	MBI	\$1,360.00			MBI	\$1,584.00		
17	REMOVE THERMOPLASTIC TRAFFIC STRIPE	CENTERLINE	\$2,505.00			CHRISP	\$1,020.50	CHRISP	\$1,669.92
18	REMOVE ASPHALT CONCRETE DIKE	TOP GRADE	\$1,360.00			TOP GRADE	\$1,700.00	RGW	\$340.05
19	REMOVE PIPE (LF)	TOP GRADE	\$1,050.00			TOP GRADE	\$1,200.00	RGW	\$480.29
20	REMOVE INLET	TOP GRADE	\$1,600.00			TOP GRADE	\$2,000.00	RGW	\$1,098.89
21	SAND BACKFILL	TOP GRADE	\$7,895.00			TOP GRADE	\$9,120.00	RGW	\$1,424.86
22	CLEARING AND GRUBBING (LS)								
23	ROADWAY EXCAVATION	TOP GRADE	\$86,600.00			TOP GRADE	\$107,000.00	RGW	\$111,283.17

24	HYDROMULCH	TEAM EES	\$1,816.00			NITTA ERRISN	\$4,540.00	TEAM EES	\$2,041.23
25	HYDROSEED	TEAM EES	\$2,270.00			NITTA ERRISN	\$4,540.00	TEAM EES	\$2,461.80
26	COMPOST	TEAM EES	\$10,898.00			NITTA ERRISN	\$18,160.00	TEAM EES	\$11,128.45
27	CLASS 2 AGGREGATE BASE (CY)	TOP GRADE	\$90,500.00			TOP GRADE	\$108,600.00	RGW	\$87,428.12
28	HOT MIX ASPHALT (TYPE A)	TOP GRADE	\$162,000.00			TOP GRADE	\$180,000.00	RGW	\$183,581.57
29	BLANK								
30	PLACE HOT MIX ASPHALT DIKE (TYPE F)					AC DIKE	\$4,301.00	RGW	\$3,579.10
31	TACK COAT	TOP GRADE	\$500.00			TOP GRADE	\$600.00	RGW	\$4,750.81
32	MINOR CONCRETE (MINOR STRUCTURE)	QUIMU	\$15,000.00					RGW	\$8,403.68
33	FURNISH SINGLE SHEET ALUMINUM SIGN (0.063"-UNFRAMED)								
34	FURNISH SINGLE SHEET ALUMINUM SIGN (0.080"-UNFRAMED)								
35	ROADSIDE SIGN - ONE POST								
36	18" REINFORCED CONCRETE PIPE	TOP GRADE	\$19,000.00			TOP GRADE	\$22,800.00	RGW	\$15,201.40
37	48" PRECAST CONCRETE PIPE MANHOLE	TOP GRADE	\$2,800.00			TOP GRADE	\$3,250.00	RGW	\$731.29
38	MINOR CONCRETE (TEXTURED PAVING)	QUIMU	\$15,000.00					M & M HANSEN	\$18,019.20
39	MISCELLANEOUS IRON AND STEEL	QUIMU	\$5,340.00					RGW	\$2,231.50
40	MANHOLE FRAME AND COVER	TOP GRADE	\$1,200.00			TOP GRADE	\$1,300.00	RGW	\$550.01
41	DELINEATOR (CLASS 1) MIDWEST GUARDRAIL SYSTEM (STEEL POST)								
42		MBI	\$12,040.00			MBI	\$13,860.00		
43	END ANCHOR ASSEMBLY (TYPE SFT) ALTERNATIVE FLARED TERMINAL SYSTEM	MBI	\$1,750.00			MBI	\$2,010.00		
44		MBI	\$6,000.00			MBI	\$6,900.00		
45	4' THERMOPLASTIC TRAFFIC STRIPE	CENTERLINE	\$2,280.00			CHRISP	\$2,622.00	CHRISP	\$2,279.20
46	8" THERMOPLASTIC TRAFFIC STRIPE	CENTERLINE	\$1,210.00			CHRISP	\$2,783.00	CHRISP	\$2,428.50
47	THERMOPLASTIC PAVEMENT MARKING	CENTERLINE	\$1,550.00			CHRISP	\$1,782.50	CHRISP	\$1,720.31
48	4' THERMOPLASTIC TRAFFIC STRIPE (BROKEN 6-1)	CENTERLINE	\$100.00			CHRISP	\$115.00	CHRISP	\$108.60
49	4' THERMOPLASTIC TRAFFIC STRIPE (BROKEN 17-7)	CENTERLINE	\$290.00			CHRISP	\$333.50	CHRISP	\$289.91
50	PAVEMENT MARKER (RETROREFLECTIVE)	CENTERLINE	\$300.00			CHRISP	\$345.00	CHRISP	\$300.35
51	MAINTAINING EXISTING TRAFFIC MANAGEMENT SYSTEM ELEMENTS DURING CONSTRUCTION							M & M HANSEN	\$10,000.00
52	CLOSED CIRCUIT TELEVISION SYSTEM								
53	MODIFY RAMP METERING SYSTEM							M & M HANSEN	\$15,374.12
54	RAMP METERING SYSTEM ROADSIDE WEATHER INFORMATION SYSTEM							M & M HANSEN	\$26,928.38
55								M & M HANSEN	\$2,487.00
56	FIBER OPTIC SYSTEM	WELCO/INTELECOM	\$231,461.00			ARGUS	\$364,731.80	M & M HANSEN	\$1,173,167.12
57	MOBILIZATION	CENTERLINE/TOP GRADE	\$48,200.00					RGW	\$62,006.19
			\$911,558.00		\$95,136.20		\$930,355.80		\$2,095,868.91

PACIFIC EXCAVATION Fax

Oct 29 2015 01:17pm P007/007



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Bid Protest

**FAX**

To: State of CA Office Engineer From: Prescilla Bastelum  
Attn: John C. McMillan Pages: 7  
Sub: Bid Protest Date: 10-29-15  
Re: #10-102104

Attached please find our bid protest  
letter and attachments.

Thank you.