

MGP CONSTRUCTION

P. O. BOX 355

UPLAND, CA 91785

BID/AWARD PROTEST

VIA FACSIMILE (916)227-6282

May 22, 2013

Department of Transportation
Division of Engineering Services
Office Engineer, MS 43
P.O. Box 168041
Sacramento, CA 95816-8041

Project: Contract Number: 08-OR8604, 08-SBd-38-51.9, Bid Open 5/9/13

Dear Sir/Madame:

MGP Construction hereby submits our request to extend award period if necessary.
MGP Construction also submits our written protest to contract No. 08-OR8604 being awarded to Coppertop Enterprises Inc. or T W Contracting Inc. Apparent low bidders No. 1 and 2.

In performing our routine due diligence and relying on the Post-Bid information you have posted, MGP Construction feels that it should be considered the lowest responsive and responsible bidder for the following reasons:

Coppertop Enterprises Inc.

- Subcontractor list DES-OE-0102.2 (REV 3/2011)

Column 3 is incomplete, this form states in part "Failure to provide complete information in columns 1 through 4 within the time specified will result in a nonresponsive bid"

- Certified DVBE summary DES-OE-0102.5 (REV 3/2008)

Total bid amount is \$0.00 and Total Claimed Participation is 0%. Section 2-1.15, of the Caltrans 2010 Standard Specifications, DISABLED VETERAN BUSINESS ENTERPRISES, which states in part:

“Meet the goal shown on the Notice to Bidders” and further states “Complete and submit the Certified DVBE summary Form”

In this case neither the goal shown on the Notice to Bidders or the Submission of the completed certified DVBE summary form was done, which should result in a nonresponsive bid.

- Section 2-1.35, of the Caltrans 2010 Standard Specifications, SSPC QP CERTIFICATION PREAWARD QUALIFICATION, as amended by the revised standard specifications dated 02-22-13 which states in part “Submit proof of each required SSPC QP certification with your bid or fax it to (916) 227-6282 no later than 4:00 p.m. on the 2nd business day after bid opening. Failure to do so results in a nonresponsive bid.”

SSPC QP Certification was not provided. This should result in a nonresponsive bid.

T W CONTRACTING INC.

- Bid Item List

Total Bid \$2,117,594.00 was this an addition error? The percentages on the Subcontractor List, Certified DVBE Summary, Certified Small Business Listing For The Non-Small Business Preference, seem to indicate that the intended total was \$2,117,594.00 not the revised \$1,481,616.00. This would result in a different finishing position for the bid.

- Request for Small Business Preference or Non-Small Business Preference
DES-OE-0102.7(REV 02/2010)

Caltrans bid summary indicates that Non-Small Business Preference was claimed, this does not appear to be the case and this Preference should not be applied. This would result in a different finishing position for the bid.

Small Business Preference was claimed using certification Number 238910. This number does not exist in the DGS data base therefor this Preference should not be applied. This would result in a different finishing position for the bid.

- Certified DVBE Summary DES-OE-0102.5(REV3/2008)

Linear West Inc. is listed as providing Electrical, DGS as well as Contractors State License Board indicate that Linear West Inc. is licensed as a Class B General Building Contractor.

Business & Professions Code, Division 3, Chapter 9. Contractors, Article 4. Classifications.

Section 7057. (b). States in part (...A general building contractor shall not take a subcontract involving trades other than framing or carpentry, unless the subcontract requires at least two unrelated trades or crafts other than framing or carpentry, or unless the general building contractor holds the appropriate license classification) Linear West does not hold the appropriate license classification therefore is ineligible to execute a contract to provide electrical work. They cannot be used for electrical to gain DVBE credit, the total participation needs to be adjusted to 0% Section 2-1.15, of the Caltrans 2010 Standard Specifications, DISABLED VETERAN BUSINESS ENTERPRISES, which states in part:

"Meet the goal shown on the Notice to Bidders" In this case the goal shown on the Notice to Bidders was not met, which should result in a nonresponsive bid.

- Certified DVBE Summary DES-OE-0102.5(REV3/2008), Certified Small Business Listing for Non-Small Business Preference DES-OE-012.8(REV 2/2011)

The total dollar amount on the two forms is \$ 1,523,421.00 yet the total bid on the Bid Summary indicates \$1,481,616.00 both totals can't be correct. This would result in a different finishing position for the bid.

- Certified Small Business Listing for Non-Small Business Preference DES-OE-012.8(REV 2/2011)

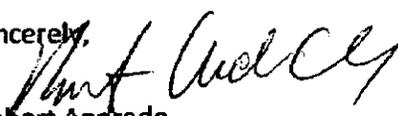
T W Contracting Inc. list itself as a Small Business, as previously stated DGS unable to confirm this ID number.

- Section 2-1.35, of the Caltrans 2010 Standard Specifications, SSPC QP CERTIFICATION PREAWARD QUALIFICATION, as amended by the revised standard specifications dated 02-22-13 which states in part "Submit proof of each required SSPC QP certification with your bid or fax it to (916) 227-6282 no later than 4:00 p.m. on the 2nd business day after bid opening. Failure to do so results in a nonresponsive bid."

SSPC QP Certification was not provided. This should result in a nonresponsive bid.

Thank you for your consideration.

Sincerely,



Robert Andrade

Project Coordinator

MGP Construction (909) 982-2364

E-Mail robandrade@verizon.net

Attachments:

Coppertop Enterprises Inc.

- Subcontractors List
- Certified DVBE Summary

T W Contracting Inc.

- Bid item List, Subcontractor List, Certified DVBE Summary, Certified Small Business Listing For The Non-Small Business Preference
- Request for Small Business Preference or Non-Small Business Preference, DGS printout indicating ID 238910 not found

- **DGS Profile for Linear West Inc., Contractors License Detail from Contractors State License Board, Excerpt of Business And Professions Code as provided by Contractors State License Board RE: B License General Building Contractor.**

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR LIST
 DES-05-0102.2 (REV 3/2011)

Bidder Name: Copper Amp Enterprises

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) 227-5282 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 Items Subcontracted	Column 4: Description of Subcontracted Work
The Firm 715 Ridge Rd. Blythe	2		Prepare Water Pollution Control Program
PCI Striping/Sealcoat	8		Striping, Roadside signs
✓ Cal Mex Engr	7	2	Hot mix Asphalt
✓ Met West	8	9	Sand use, storage bin Washrack Section
Jernigan Pipeline Supply	3		Temp Concrete washout
✓ Christian Belle Electric	8	5	Electrical
Christian Brothers	8		ENAC
✓ Habelink Masonry	8		Concrete + Rebar
Asbaugh Consultin	2		SWPPP

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Contract No. 08-OR8604

Handwritten signature

Low (In Bid Book)

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

Low Bidder

DISTRICT-COUNTY-ROUTE: 08 SBD 30
CONTRACT NO.: 08 0R8604
TOTAL BID: \$
BID OPENING DATE: 5/9/13
BIDDER'S NAME: Coppertop Enterprises, Inc.
DVBE PRIME CONTRACTOR CERTIFICATION ¹

Bid Item Number	Description of Work to Be Subcontracted to DVBE or Materials to Be Supplied by DVBE ²	For Caltrans Only	DVBE (Name, Telephone No., and Certification No.)	\$ Amount
<u>2</u>	<u>Repair Water Collection Control Program.</u>		<u>The GYFA 115 Ridge Rd Lodi, CA 95241 # 2022 Agency Contract</u>	<u>\$ 950.00</u>
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.				Total Claimed Participation \$ _____ _____ %

- DVBE prime contractors must enter their DVBE reference number or their OBA name as filed with Department of General Services (DVBE prime contractors are credited with 100 percent DVBE participation and need not complete the above table).
- 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 95816-7005

Debra 4/29/13
Signature of Bidder Date
714 545 4814
(Area Code) Telephone Number
Iris Luna
Contact Person (Type or Print)

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Contract No. 08-0R8604

T.W. Contracting

BID ITEM LIST

4/15 g/c

Item No.	Item Code	Item Description	Unit of Measure	Estimated Quantity	Unit Price	Item Total
1	130100	JOB SITE MANAGEMENT	LS	LUMP SUM	LUMP SUM	226,676. ⁰⁰
2	130200	PREPARE WATER POLLUTION CONTROL PROGRAM	LS	LUMP SUM	LUMP SUM	6,097. ⁰⁰
3	130900	TEMPORARY CONCRETE WASHOUT	LS	LUMP SUM	LUMP SUM	12,313. ⁰⁰
4	190101	ROADWAY EXCAVATION	CY	390	11. ⁰⁰	4,290. ⁰⁰
5	260203	CLASS 2 AGGREGATE BASE (CY)	CY	220	92. ⁰⁰	20,240. ⁰⁰
6	377501	SLURRY SEAL	TON	86	496. ⁰⁰	42,656. ⁰⁰
7	390132	HOT MIX ASPHALT (TYPE A)	TON	450	115. ⁰⁰	51,750. ⁰⁰
8	994650	BUILDING WORK	LS	LUMP SUM	LUMP SUM	1,117,594. ⁰⁰

TOTAL BID:

\$2,117,594.00

1,481,616.00

to
comm

DH

Contract No. 08-0R8604

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
PAVEMENT COATING, #305609 JURUPA VALLEY, CA	6	SBE 2%	SLURRY
LINEAR WEST DYBE PLEASANTON CA #965185	8	DYBE 9%	ELECTRICAL
SPECIFIED PAINTING YUCAIPA CA #591603	8	SMBE 3%	PAINTING
AK CONTRACTORS CORONA CA #837289	8	SBE 50%	BUILDINGS & CONCRETE
ALLIED PAVING #780394 ARAHAIM	5,7	3%	BASE & PAVING

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Contract No. 08-0R8604

2nd (In Bid Book)

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

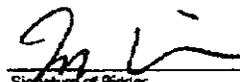
Second Bidder

DISTRICT-COUNTY-ROUTE: _____
CONTRACT NO.: 08-OR8604
TOTAL BID: 2,117,594
BID OPENING DATE: May 9, 2013
BIDDER'S NAME: T.W. Contracting, Inc.
DVBE PRIME CONTRACTOR CERTIFICATION: _____

Bid Item Number	Description of Work to Be Subcontracted to DVBE or Materials to Be Supplied by DVBE ²	For Caltrans Only	DVBE (Name, Telephone No., and Certification No.)	\$ Amount
8	ELECTRICAL		LINEAR WEST 925-699-7777 #1729931	199,019. ⁰⁰
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.				Total Claimed Participation \$ <u>199,019</u> <u>9</u> %

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 credited 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.


Signature of Bidder
Date: May 9, 2013

Submit to:

MSC 43
OFFICE ENGINEER
DEPARTMENT OF TRANSPORTATION
1727 30TH STREET
SACRAMENTO, CA 95816-7005

714-447-4780
(Area Code) Telephone Number

Tim Wilson
Contact Person (Type or Print)

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Contract No. 08-OR8604

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
CERTIFIED SMALL BUSINESS LISTING FOR THE NON-SMALL BUSINESS PREFERENCE
 DES-OE-0102.8 (REV 2/2011)

BIDDER NAME T.W. Contracting, Inc

CONTRACT NO. 08 - 088604

List the description of work, name, telephone number, certification number, and dollar amount of each certified small business who will be employed on this project. Failure to provide this information may be cause for denial of the non-small business subcontractor preference. Attach additional sheets if necessary.

Submit to:

MSC 43
 OFFICE ENGINEER
 DEPARTMENT OF TRANSPORTATION
 1727 30TH STREET
 SACRAMENTO, CA 95816-7005

Second Bidder

Bid Item Number	Description of Work, Service, or Materials	Certified Small Business (Name, Telephone No., and Certification No.)	\$ Amount
1-B	GENERAL Management	TW CONTRACTING INC. 714-447-4780 #238910	226,676. ⁰⁰
8	PAINTING	SPECIFIED PAINTING 909-790-3670 #14398	54,852. ⁰⁰
8	BUILDINGS & CONCRETE	AK CONTRACTORS 951-280-0269 #1294140	1,042,870. ⁰⁰

Tim Wilson
 Person to Contact (Please Type or Print)

714-447-4780
 (Area Code) Telephone Number

Total Claimed Participation

\$ 1,324,402.⁰⁰
50 % of Contract

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Contract No. 08-088604

REQUEST FOR SMALL BUSINESS PREFERENCE OR NON-SMALL BUSINESS PREFERENCE

DES-OE-0102.7 (REV 02/2010)

CONTRACT NO 08 - OR8604

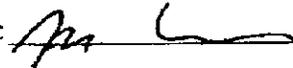
Complete one of the following:

• **Small Business Preference**

The undersigned requests small business preference and certifies, under penalty of perjury, that the firm meets the requirements of 2 CA Code of Regs § 1896 et seq. and is certified as a small business at the time and day of bid opening or has submitted a complete application to the Department of General Services (DGS) and is subsequently certified. The complete application and any required substantiating documentation must be received by DGS by 5:00 p.m. on bid opening date.

Small Business Certification (Reference) Number: 238910

Date: 5/9/2013

Signature: 

• **Non-Small Business Preference**

The undersigned requests non-small business preference and notifies the Department on the Certified Small Business Listing for the Non-Small Business Preference form that it commits to subcontract at least 25 percent of its bid amount with one or more firms that meets the requirements of 2 CA Code of Regs § 1896 et seq. and the firms are certified as small businesses at the time and day of bid opening or have submitted a complete application and are subsequently certified by the Department of General Services (DGS). The complete application and any required substantiating documentation must be received by DGS by 5:00 p.m. on bid opening date. List these firms on the Certified Small Business Listing for the Non-Small Business Preference form.

Date: _____

Signature: _____

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Contract No. 08-OR8604



THE STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
LABOR MARKET INFORMATION CENTER

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Supplier ID: 238910

The State of California Certifications

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Kevin
 Kevin@linearwest.com
 415.238.0110

LINEAR WEST INC - #1729931

SUPPLIER PROFILE	
Legal Business Name	LINEAR WEST INC
Doing Business As	LINEAR WEST INC
Address	375 SARATOGA AVE STE A SAN JOSE, CA 95129
Phone	(925) 699-7797
FAX	
Email	kevin@linearwest.com
Web Page	http://www.linearwest.com
Business Types	Construction
Service Areas	Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Imperial, Inyo, Kern, Kings, Lake, Lassen, Los Angeles, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Orange, Placer, Plumas, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Ventura, Yolo, Yuba,
Keywords	HVAC, Electrical, Concrete, Road Construction, Sheet Metal
Construction License Types	B - General Building Contractor
Classifications	391215 - Switches and controls and relays and accessories 721512 - Heating and cooling and air conditioning HVAC construction services

Active Certifications

TYPE	STATUS	FROM	TO
SB (Micro)	Approved	Nov 8, 2011	Nov 30, 2013
DVBE	Approved	Nov 8, 2011	Nov 30, 2013

Certification History

TYPE	STATUS	FROM	TO
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DEPARTMENT OF CONSUMER AFFAIRS

Contractors State License Board

Contractor's License Detail - License # 965185

⚠️ DISCLAIMER: A license status check provides information taken from the CSLB license database. Before relying on this information, you should be aware of the following limitations.

- > CSLB complaint disclosure is restricted by law (B&P 7124.6) if this entity is subject to public complaint disclosure, a link for complaint disclosure will appear below. Click on the link or button to obtain complaint and/or legal action information.
- > Per B&P 7071.17, only construction related civil judgments reported to the CSLB are disclosed.
- > Arbitrations are not listed unless the contractor fails to comply with the terms of the arbitration.
- > Due to workload, there may be relevant information that has not yet been entered onto the Board's license database.

License Number	965185	Extract Date 5/21/2013
Business Information	LINEAR WEST INC Business Phone Number: (925) 699-7797 4847 HOPYARD RD, SUITE 4-145 PLEASANTON, CA 94588	
Entity	Corporation	
Issue Date	09/02/2011	
Expire Date	09/30/2013	
License Status	ACTIVE This license is current and active. All information below should be reviewed. The license may be suspended at a future date if the qualifying person is not replaced by 06/28/2013.	
Additional Information		
Classifications	CLASS DESCRIPTION B <u>GENERAL BUILDING CONTRACTOR</u>	
Bonding	CONTRACTOR'S BOND This license filed a Contractor's Bond with <u>OLD REPUBLIC SURETY COMPANY.</u> Bond Number: W150101328 Bond Amount: \$12,500 Effective Date: 08/08/2011	
Workers' Compensation	WORKERS' COMPENSATION This license is exempt from having workers compensation insurance; they certified that they have no employees at this time. Effective Date: 08/24/2011 Expire Date: None	



DEPARTMENT OF INDUSTRIAL RELATIONS

Contractors State License Board

Contractor's License Detail (Personnel List)

Contractor License #: 965185
Contractor Name: LINEAR WEST INC

Click on the person's name to see a more detailed page of information on that person

NAME	TITLE	ASSOCIATION DATE	DISASSOCIATION DATE	CLASS	MORE CLASS
<u>JOHN PATRICK WHITNEY</u>	RMO	09/02/2011	03/28/2013	B	
<u>KEVIN CHARLES COX</u>	CEO/PRESIDENT	09/02/2011			

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DEPARTMENT OF INDUSTRIAL RELATIONS

Contractors State License Board**B - General Building Contractor****Business & Professions Code****Division 3, Chapter 9. Contractors, Article 4. Classifications**

7057. (a) Except as provided in this section, a general building contractor is a contractor whose principal contracting business is in connection with any structure built, being built, or to be built, for the support, shelter, and enclosure of persons, animals, chattels, or movable property of any kind, requiring in its construction the use of at least two unrelated building trades or crafts, or to do or superintend the whole or any part thereof.

This does not include anyone who merely furnishes materials or supplies under Section 7045 without fabricating them into, or consuming them in the performance of the work of the general building contractor.

(b) A general building contractor may take a prime contract or a subcontract for a framing or carpentry project. However, a general building contractor shall not take a prime contract for any project involving trades other than framing or carpentry unless the prime contract requires at least two unrelated building trades or crafts other than framing or carpentry, or unless the general building contractor holds the appropriate license classification or subcontracts with an appropriately licensed specialty contractor to perform the work. A general building contractor shall not take a subcontract involving trades other than framing or carpentry, unless the subcontract requires at least two unrelated trades or crafts other than framing or carpentry, or unless the general building contractor holds the appropriate license classification. The general building contractor may not count framing or carpentry in calculating the two unrelated trades necessary in order for the general building contractor to be able to take a prime contract or subcontract for a project involving other trades.

(c) No general building contractor shall contract for any project that includes the "C-16" Fire Protection classification as provided for in Section 7026.12 or the "C-57" Well Drilling classification as provided for in Section 13750.5 of the Water Code, unless the general building contractor holds the specialty license, or subcontracts with the appropriately licensed specialty contractor.

(Amended by Stats. 1997, Chapter 812 (SB 857).)

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M.G.P CONSTRUCTION
F A X T R A N S M I T T A L

DATE:	5/23/2013		
TO:	DOT	FROM:	MGP CONSTRUCTION
FAX:	916 227-6282	FAX:	909-982-8663
TEL:		TEL:	909-982-2364
CC:		PAGES:	17 including cover

COMMENTS:

PLEASE FIND ATTACHED REQUEST FOR EXTENSION OF AWARD PERIOD AND FORMAL PROTEST OF BID/AWARD

THANK YOU,



ROBERT ANDRADE MGP CONSTRUCTION
CELL# 909 636-3588