

## Transmittal Cover Sheet

Detailed, Grouped by Each Transmittal Number

**ESTIMATING**  
645 Clarion Court  
San Luis Obispo, CA 93401

**Project # ESTIMATING**  
Tel: 805-543-1706 Fax: 805-543-1706

**Date:** 12/29/2011**Reference Number:** 0276**Transmitted To**

Jeff Werst, Design Engineer  
County of San Luis Obispo  
Department of Public Works  
Room 207, County Government Center  
976 Osos Street  
San Luis Obispo, CA 93408  
Tel: 805-781-4480  
Fax: 805-781-5252

**Transmitted By**

Sheri Shamblin  
Specialty Construction, Inc.  
645 Clarion Court  
San Luis Obispo, CA 93401  
Tel: 805-543-1706  
Fax: 805-543-1722

 Acknowledgement Required**Package Transmitted For**

Review, Submission

**Delivered Via**

Email

**Tracking Number**

Item #	Qty	Item	Reference	Description	Notes	Status
001	1.00	Reponse to Souza's protest letter dated 12/27/11	Bridge Widening on Price Canyon near Edna, CA - 300136, 300360, 300361 / HP21L-5949(126), BHL5949(062), BHL5949(063)			

Cc: Company Name	Contact Name	Copies	Notes
Specialty Construction, Inc.	Rudy Bachmann	1	
Specialty Construction, Inc.	Doug Clay	1	
Specialty Construction, Inc.	Jeff Martin	1	
Souza Construction, Inc.	Steve Souza	1	Via Fax

**Remarks**

Attached please find the above referenced correspondence.

Sheri Shamblin  
Signature

12.29.11  
Signed Date

# Specialty Construction Inc.

---

December 29, 2011

Jeff Werst, Design Engineer  
County of San Luis Obispo  
Department of Public Works  
Room 207, County Government Center  
976 Osos Street  
San Luis Obispo, CA 93408  
Fax: 805-781-5252

Re: Bridge Widening on Price Canyon near Edna, CA  
HP21L-5949(126), BHL5949(062), BHL5949(063)

Subject: Souza Construction's protest letter dated December 27, 2011

Dear Mr. Werst,

This is Specialty Construction, Inc. (SCI)'s response to the protest documents from Souza Construction, Inc. (Souza) sent our office on December 27, 2011.

The accusations and representations made in Souza's letters are both false and irrelevant. Souza's cover letter claims it has received "overwhelming support" from Paul Richard, MaryJane Stahl, and Gene Shy of Caltrans and Sam Hassoun of the Association of General Contractors (AGC).

I contacted these individuals and Souza's representations are categorically false. The facts are that Ms. MaryJane Stahl is an administrative assistant who received a phone call from a Souza employee, Mr. Johnston, and transferred it to Paul Richard Sr., who is on staff in Caltrans' Contract Evaluation Unit. That was the extent of her involvement. Mr. Richard informed Souza that Mr. Richard's office did not evaluate local agency contracts and referred him to Gene Shy. Mr. Shy categorically denied having any support for Souza. To the contrary, he said that the low bidder "could still be awarded the contract if they made a Good Faith Effort", that it was up to the local agency to make that determination, and that he had "no opinion" as to which bidder the local agency should award the contract." I've attached the emails verifying these facts. (Exhibits 1, 2)

I also spoke with Sam Hassoun of the AGC who denies ever offering any litigation support to Souza and that AGC does not take one contractor's side over another's in bid protests such as these. I believe that the County of San Luis Obispo should think twice before entering into a contract with a contractor who makes misrepresentations to obtain economic advantages before work even begins.

A careful review of the facts demonstrates that SCI did carefully complete its Good Faith obligations in a thoughtful and appropriate way, and that Souza did not act in Good Faith.

SCI's Good Faith Effort (GFE) is planned in advance and diligently completed with careful consideration by our division managers, estimators, project engineers and office staff. Our procedures, and the requirement for authentic good faith as required by the bid documents requires no less than 20-30 office staff hours strictly for the GFE process to assure fair dealings and encouraging opportunities to available UDBE business concerns. These efforts include, but are not limited to: initial sourcing and resourcing of available portions of the work, email and facsimile invitations, phone calls for verifications, assistance, assembling and compiling documentation, recording and advising on bid day decisions, and submitting documentation in clear and concise manner. In addition to this, we advertise and obtain assistance with this UDBE GFE process with direct publications with the following agencies: Minority Business Development Agency, Small Business Administration, and Construction Up-Date / Minority Bidders Bulletin. SCI contacted the State of California, Department of Transportation and the County of San Luis Obispo in efforts to locate potential UDBE resources.

By comparison, Souza outsourced its duty to act in good faith by paying a \$90 fee to a UDBE solicitation service. Souza made only a few phone calls a day or two before bid. Souza forwarded the transmittal cover sheets for highly unlikely sources of UDBE (such as those located in Oregon) with no evidence to support that they were ever sent. This is not to mention several areas of the required GFE forms are incorrectly filled, poorly documented, and nothing short of simply thrown together. With these facts in mind, we believe Souza had to make the decision to increase its bid price and to pay more for certain specific UDBE participation since they failed to meet the Good Faith Efforts.

While Souza's letter is replete with misrepresentations, Souza nowhere points out where SCI failed to comply with the County's UDBE Information – Good Faith Efforts (DB-15 - DB-17) requirements. This is because SCI's bid included all of the information the bid specifications (Exhibit 3) required to satisfy the Good Faith Effort requirements.

- A. The names and dates of each publication in which a request for UDBE participation for this project was placed by the bidder. (See Exhibit 3, Item A)
- B. The names and dates of written notices sent to certified UDBEs soliciting bids for this project and the dates and methods used for following up initial solicitations to determine with certainty whether the UDBEs were interested. (See Exhibit 4)
- C. The items of work which the bidder made available to UDBE firms, including, where appropriate, any breaking down of the contract work items (including those items normally performed by the bidder with its own forces) into economically feasible units to facilitate UDBE participation. It is the bidder's responsibility to demonstrate that sufficient work to facilitate UDBE participation was made available to UDBE firms. (See Exhibit 5 & 6)
- D. The names, addresses, and phone numbers of rejected UDBE firms, the reasons for the bidder's rejection of the UDBEs, the firms selected for that work, and the price difference for each UDBE if the selected firm is not a UDBE. (See Exhibit 7)
- E. Efforts made to assist interested UDBEs in obtaining bonding, lines of credit or insurance, and any technical assistance or information related to the plans, specifications and requirements for the work which was provided to UDBEs. (See Exhibit 3, Item E and Exhibit 6)
- F. Efforts made to assist interested UDBEs in obtaining necessary equipment, supplies, materials, or related assistance or services, excluding supplies and

- equipment the UDBE subcontractor purchases or leases from the prime contractor or its affiliate. (See Exhibit 3, Item F and Exhibit 6)
- G. The names of agencies, organizations or groups contacted to provide assistance in contacting, recruiting and using UDBE firms. (See Exhibit 3, Item G)
  - H. Any additional data to support a demonstration of good faith efforts. (Refer to previously submitted UDBE Information – Good Faith Efforts package)

In addition to the above information, Specialty provided documentation too voluminous to attach here to evidence its good faith efforts not only to make initial contacts, but to conduct follow-up when initial attempts failed. When a fax didn't go through, Specialty sent an e-mail to the UDBE. When an e-mail didn't go through, phone contact was made. If phone contact wasn't achieved, current contact information was researched via internet searches of yellowpages.com and the Contractors' State License Board website.

Specialty performed all of the acts required by the bid solicitation and the County's and Caltrans' UDBE programs. Factors not set forth in the bid documents, such as other bidders' bids indicate that they met the 3% goal and Specialty did not, may not be considered because this is not a factor set forth in the bid documents or the San Luis Obispo DBE program. Considering any "Good Faith Effort" factor which is not expressed in the bid documents or the County's program would be illegal under California law. Compare California Constitution, Art. 1, § 31 with 49 CFR § 26.47 (funding will not be lost if goal is not met).

Souza's bid was non-responsive. The Bid solicitation required bidders to provide good faith efforts submittals (Special Provisions Section 201.04B-UDBE, page DB-59). All bidders were required to provide fax and/or e-mail confirmations of communications (Item B), copies of quotes from rejected UDBEs and firms selected for the work. Souza did not provide this documentation so Souza's bid is not responsive. *Ghilotti Construction Co. v. City of Richmond* (1996) 45 Cal.App.4th 897, 904.

This non-responsiveness cannot be waived because Souza obtained a competitive advantage by outsourcing its good faith efforts at a cost of \$90.00 when SCI incurred thousands of dollars of expenses to meet the bid solicitation's good faith effort requirements.

Souza makes so many false accusations that time does not permit SCI to address them all. Souza claims that Specialty "limited the items of work it made available to UDBE firms and did not even seek quotes for various items of work". This is false. Specialty's advertisements soliciting bids specifically states that "**ALL SCHEDULED BID ITEMS OPEN FOR BID (INCLUDING ITEMS OF WORK NORMALLY PERFORMED BY SCI.**" (See Exhibit 5)

Souza falsely states that SCI did not make an item of work available to KRC Safety, Inc., a UDBE subcontractor. This is false. Specialty made this item of work available to KRC Safety, Inc. SCI's good faith efforts documentation shows that the only reason Specialty did not accept KRC Safety's bid was that it was not competitive. Souza fails to disclose to you that Souza also rejected KRC Safety's bid for the same reason: it was not competitive. Souza also fails to disclose to you that Specialty will use KRC Safety to supply construction signs.

Souza accuses Specialty of not using a UDBE subcontractor because of a price difference of \$2,601. But Souza fails to disclose to you that Souza rejected a UDBE subcontractor because of a \$1,500 price difference. If one is to compare bidders' approaches, as Souza argues, if Souza's rejection of a UDBE bid because of a \$1,500 price difference is commercially reasonable, Specialty's rejection of a bid because of a \$2,601 price difference is reasonable.

Souza states the rule that bidders are to solicit interest in sufficient time to allow DBE responses, but fails to state that SCI sent out its UDBE solicitations earlier than Souza. Souza claims it made monetary decisions for UDBE causes but fails to substantiate such claims in accordance with the contract documents.

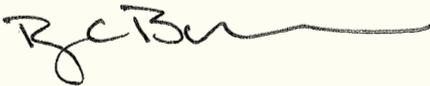
SCI made good faith efforts as set forth in the County's program and bid solicitation and is the lowest responsive bidder. Unlike Souza, Specialty does not outsource its obligation to perform in good faith. Specialty's good faith efforts are part and parcel of who Specialty is, and will be present throughout the performance of the contract to meet all of the contract's good faith requirements, including the 3% UDBE performance goal.

Furthering the point made above, that the 3% UDBE goal is a performance goal (not a bid goal), we wish to point out that the documentation available to us at the time of bid indicated that West Coast/Tipco Pile Driving would provide an \$70,000 UDBE utilization amount at a minimum. That is the information we relied on which resulted in our Good Faith statement of approximately 2.32%. During recent conversations with the listed subcontractor, they have indicated that the \$80,000 was a minimum estimate, and they actually plan to perform about \$98,000 of work, which would result in reaching UDBE utilization of approximately 2.86%. In addition, as stated, we will be using KRC Safety Company, Inc. (a UDBE) for supplying and installing construction area signs. This will provide no less than an additional \$6,600 of UDBE utilization which provides a total utilization for the performance of our work exceeding 3.0%.

Souza's bid protest should be rejected because Specialty met the bid's and the County's Good Faith Effort requirements. The contract should be awarded to Specialty.

Sincerely,

SPECIALTY CONSTRUCTION, INC.



Rudolph C. Bachmann  
President

C: DC, JM

**EXHIBIT 1**

**From:** Sanjay Singh [mailto:sanjay\_singh@dot.ca.gov]  
**Sent:** Wednesday, December 28, 2011 2:27 PM  
**To:** Rudy Bachmann  
**Subject:** Re: FW: Follow to our conversation regarding Souza Construction Statements of overwhelming bid support

I have no objection to that, provided the confidentiality disclaimer is attached to the message.

Rudy Bachmann <[RBachmann@specialtyconstruction.com](mailto:RBachmann@specialtyconstruction.com)>

To "[Sanjay\\_Singh@dot.ca.gov](mailto:Sanjay_Singh@dot.ca.gov)" <[Sanjay\\_Singh@dot.ca.gov](mailto:Sanjay_Singh@dot.ca.gov)>

cc

12/28/2011 02:19 PM

Subject FW: Follow to our conversation regarding Souza Construction Statements of overwhelming bid support

Dear Mr. Singh,

Thank you for your quick review and response.

Because the information has been sent to the County as fact and part of a bid protest, would you object to forwarding your response below to Jeff Wesrt at the County to make the record correct?

Sincerely,

Rudy

Rudy C. Bachmann  
President  
Specialty Construction Inc.  
645 Clarion Court  
San Luis Obispo, CA 93401  
Office (805) 543-1706  
Fax (805) 543-1712

**From:** Sanjay Singh [mailto:sanjay\_singh@dot.ca.gov]  
**Sent:** Wednesday, December 28, 2011 1:51 PM  
**To:** Rudy Bachmann  
**Subject:** Re: Follow to our conversation regarding Souza Construction Statements of overwhelming bid support

Dear Mr. Bachmann,

I have reviewed the information that you sent over, and have discussed it with the two staff listed on the letter from Souza Construction.

Ms. Marijane Stahl, an administrative assistant our executive office, received a phone call from Mr. Johnston and transferred it to Paul Richard Sr, who is a staff in the Contract Evaluation Unit - that's the extent of Marijane's involvement - she isn't involved in matters pertaining to contracts.

With regard to the purported support of Paul Richard Sr., here are his comments:

"On 12/27/11 I received a call from someone identifying himself as Ken Johnston. He stated he was referred to me by Marijane Shahl. He then proceeded to mention he was the second low bidder on a county project in San Luis Obispo. He explained that the apparent low bidder had not met the goal of the project and his firm as the second bidder as well as the third bidder had met the goal. I explained that this office did not evaluate local agency contracts and referred him to Gene Shy."

Given the sensitive nature of the work performed by this unit on a daily basis, it is highly unlikely that the staff here would discuss bid preference issues with contractors even on Caltrans projects, let alone projects belonging to other agencies.

It is obvious that Mr. Johnston used the names of these staff with malicious intent. We will take this matter up with Sousa Construction, Inc. and voice our strong concerns for the misrepresentation of facts about the conversation.

Trust his helps.

Thanks,

---

Sanjay Singh  
Manager  
Certification Unit/Contract Evaluation Unit  
Office of Business and Economic Opportunity  
Department of Transportation  
1823 14th Street, MS 79  
Sacramento, CA 95811  
Phone (916) 324-1059  
Fax (916) 324-1862  
[www.dot.ca.gov/hq/bep](http://www.dot.ca.gov/hq/bep)

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**Rudy Bachmann**  
<[RBachmann@specialtyconstruction.com](mailto:RBachmann@specialtyconstruction.com)>

12/28/2011 12:31 PM

To "[Sanjay\\_Singh@dot.ca.gov](mailto:Sanjay_Singh@dot.ca.gov)" <[Sanjay\\_Singh@dot.ca.gov](mailto:Sanjay_Singh@dot.ca.gov)>

cc Rudy Bachmann <[RBachmann@specialtyconstruction.com](mailto:RBachmann@specialtyconstruction.com)>

Subject Follow to our conversation regarding Souza Construction Statements of overwhelming bid support

Dear Mr. Singh,

Thank you for taking my call and discussing my concerns regarding the attached letter from Souza Construction to the County of San Luis Obispo. Again my concern is that this information has been sent to the County as part of the bid protest and thus I need to follow up and verify if in fact the assertions of Souza Construction are accurate.

I spoke to Gene Shy after we spoke and Gene indicated that he did not make these comments other than he said the local agency would have to make a determination and in fact responded that it "is not true" and will be following up in written format to substantiate.

Thank you for your time and effort regarding this concern.

Sincerely,

Rudy

Rudy C. Bachmann  
President  
Specialty Construction Inc.  
645 Clarion Court  
San Luis Obispo, CA 93401  
Office (805) 543-1706  
Fax (805) 543-1712

- NOTICE -

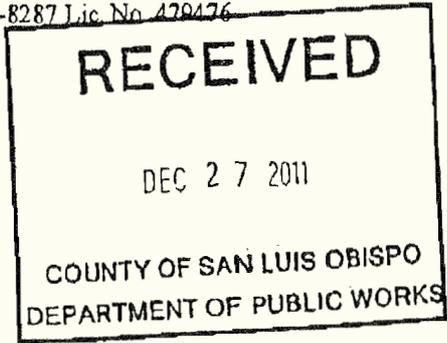
*This e-mail and its attachment(s) may contain information that is privileged, confidential, and/or exempt from disclosure under applicable law and is intended solely for the use of the individual or entity to which it is addressed. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure, dissemination, distribution, copying, or use of this message is strictly prohibited and may be unlawful. If received in error, please notify the sender immediately and delete/destroy the message and any copies thereof.*

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SOUZA CONSTRUCTION, INC.  
P.O. Box 3810, San Luis Obispo, CA 93403-3810  
(805) 546-8288 • Fax (805) 546-8287 Lic. No. 479476



Date: Dec 27, 2011

To: Jeff Werst

Firm: San Luis Obispo County Public Works

Phone No: 805-781-4480

Fax No:

From: Ken Johnston

Re: Bridge Widening on Price Canyon Rd near Edna, CA

Project No: 300136, 300360, & 300361

Souza Job No: \_\_\_\_\_

WE ARE TRANSMITTING:		THE FOLLOWING:		FOR:
<input checked="" type="checkbox"/>	By Hand		Report	Signature
	By Mail	<input checked="" type="checkbox"/>	Letter	Review & Approval
	FAX		Memo	<input checked="" type="checkbox"/> Your Information & Use
	Under Separate Cover		Plans	As Requested
	By Delivery Service		Specifications	Review & Return (with comments)
	CA Delivery Service		Cost Estimate	Re-submittal
	Federal Express		Submittal	
			Contract	

**REMARKS:**

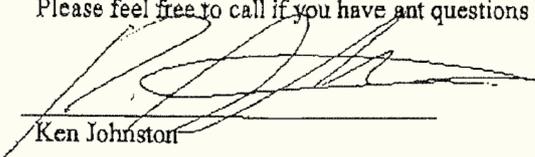
Please find attached the formal protest of contract award to Specialty Construction, Inc for the above mentioned project. We have also attached copies of prior protests that may be of interest as both protests were successful and the projects were awarded to Souza Construction, Inc the lowest responsible bidder.

With regards to this project and ensuing award I have spoken to the following people and have received overwhelming support, given the facts for the award to be granted to Souza Construction.

- Paul Richard, Caltrans Office of Business and Economic Development, 916-324-0453
- MaryJane Stahl, Caltrans Office of Business and Economic Development 916-324-1700
- Pat Connelly, Construction Manager District 5 Caltrans 805-549-3111
- Gene SHY, Statewide Local Assistance, Caltrans 916-651-6552

I have been in contact with, Sam Hassoun, Director of Joint Engineering Division, Associated General Contractors of California, 916-371-2422, and he has committed to support us in any legal action that may be necessary.

Please feel free to call if you have any questions or comments.



Ken Johnston

**EXHIBIT 2**

## Rudy Bachmann

---

**From:** lkershy@comcast.net  
**Sent:** Thursday, December 29, 2011 5:40 AM  
**To:** Rudy Bachmann  
**Subject:** Re: Follow to our conversation regarding Souza Construction Statements of overwhelming bid support

Dear Mr. Bachmann,

I agree to forwarding my response below to Jeff Wesrt at the County. Please include the disclaimer below when forwarded!

Eugene Shy, Process Review Engineer  
Project Development & Quality Assurance Office  
Caltrans Division of Local Assistance

---

**From:** "Rudy Bachmann" <[RBachmann@specialtyconstruction.com](mailto:RBachmann@specialtyconstruction.com)>  
**To:** [lkershy@comcast.net](mailto:lkershy@comcast.net)  
**Sent:** Wednesday, December 28, 2011 9:26:05 PM  
**Subject:** RE: Follow to our conversation regarding Souza Construction Statements of overwhelming bid support

Gene,

Thank you again for your time and response.

Because the information has been sent to the County as fact and part of a bid protest, would you object to forwarding your response below to Jeff Wesrt at the County to make the record correct? I would include the following disclaimer below.

Notice: The information contained in this e-mail is private, confidential, or legally privileged. It is intended only for the use of the person(s) name herein as sender and recipients of the communication. Any retention, display, dissemination, distribution, disclosure, publication or copying of the contents of the attached message by individuals other than the sender or recipient of the said communication is strictly prohibited. If you have received this e-mail message in error, please immediately notify the sender (Caltrans) by e-mail or at the sender's telephone number, then immediately delete this e-mail. Persons who copy or disclose such confidential information are subject to applicable legal penalties.

Sincerely,

Rudy

Rudy C. Bachmann  
President  
Specialty Construction Inc.  
645 Clarion Court  
San Luis Obispo, CA 93401  
Office (805) 543-1706  
Fax (805) 543-1712

From: [lkershy@comcast.net](mailto:lkershy@comcast.net) [mailto:[lkershy@comcast.net](mailto:lkershy@comcast.net)]  
Sent: Wednesday, December 28, 2011 6:58 PM  
To: Rudy Bachmann  
Subject: Re: Follow to our conversation regarding Souza Construction Statements of overwhelming bid support

Dear Mr. Bachmann,

In the last day or so, I was called by an individual from Souza Construction who told me that Souza Construction was the second low bidder on a federal-aid project, that they had met the specified UDBE goal whereas the low bidder had not met the specified UDBE goal, and that Souza Construction believed that they should be awarded the contract.

I then explained to the caller that if the low bidder had not met the UDBE goal, the low bidder could still be awarded the contract if they had made a Good Faith Effort to meet the UDBE goal and that determination would be made by the local agency prior to award of the contract. I suggested Souza Construction keep in touch with the local agency for further information.

I was then told by the individual that Souza Construction would be filing a bid protest to protect their interest.

I never asked for information from the caller, nor do I have any knowledge of the UDBE efforts and/or commitments of either the low bidder, second low bidder, or other bidders on this federal-aid project and have no opinion as to which bidder the local agency should award the contract.

Eugene Shy, Process Review Engineer  
Project Development & Quality Assurance Office  
Caltrans Division of Local Assistance

---

From: "Rudy Bachmann" <[RBachmann@specialtyconstruction.com](mailto:RBachmann@specialtyconstruction.com)>  
To: [lkershy@comcast.net](mailto:lkershy@comcast.net)  
Cc: "Rudy Bachmann" <[RBachmann@specialtyconstruction.com](mailto:RBachmann@specialtyconstruction.com)>  
Sent: Wednesday, December 28, 2011 1:45:35 PM  
Subject: Follow to our conversation regarding Souza Construction Statements of overwhelming bid support

Dear Mr. Shy,

Thank you for returning my call and discussing my concerns regarding the attached letter from Souza Construction to the County of San Luis Obispo, Again, my concern is that this information has been sent to the County as part of a bid protest against Specialty Construction's low bid and thus I need to follow up and verify if in fact the assertions of Souza Construction are accurate.

Can you confirm if you made the statement and if not what you did say?

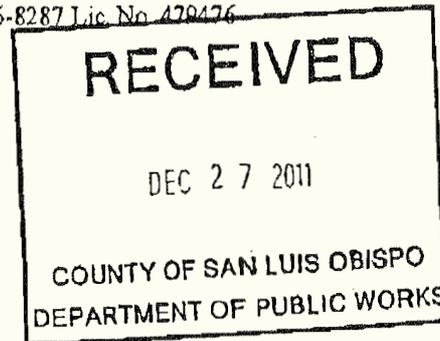
Thank you for your time and effort regarding this matter.

Rudy

Rudy C. Bachmann  
President  
Specialty Construction Inc.  
645 Clarion Court  
San Luis Obispo, CA 93401



SOUZA CONSTRUCTION, INC.  
P.O. Box 3810, San Luis Obispo, CA 93403-3810  
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Date: Dec 27, 2011  
To: Jeff Werst  
Firm: San Luis Obispo County Public Works  
Phone No: 805-781-4480  
Fax No:  
From: Ken Johnston  
Re: Bridge Widening on Price Canyon Rd near Edna, CA  
Project No: 300136, 300360, & 300361

Souza Job No: \_\_\_\_\_

WE ARE TRANSMITTING:		THE FOLLOWING:		FOR:
<input checked="" type="checkbox"/>	By Hand		Report	Signature
	By Mail	<input checked="" type="checkbox"/>	Letter	Review & Approval
	FAX		Memo	<input checked="" type="checkbox"/> Your Information & Use
	Under Separate Cover		Plans	As Requested
	By Delivery Service		Specifications	Review & Return (with comments)
	CA Delivery Service		Cost Estimate	Re-submittal
	Federal Express		Submittal	
			Contract	

**REMARKS:**

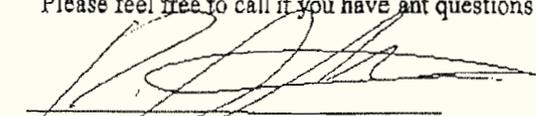
Please find attached the formal protest of contract award to Specialty Construction, Inc for the above mentioned project. We have also attached copies of prior protests that may be of interest as both protests were successful and the projects were awarded to Souza Construction, Inc the lowest responsible bidder.

With regards to this project and ensuing award I have spoken to the following people and have received overwhelming support, given the facts for the award to be granted to Souza Construction.

- Paul Richard, Caltrans Office of Business and Economic Development, 916-324-0453
- MaryJane Stahl, Caltrans Office of Business and Economic Development 916-324-1700
- Pat Connelly, Construction Manager District 5 Caltrans 805-549-3111
- Gene SHY, Statewide Local Assistance, Caltrans 916-651-6552

I have been in contact with, Sam Hassoun, Director of Joint Engineering Division, Associated General Contractors of California, 916-371-2422, and he has committed to support us in any legal action that may be necessary.

Please feel free to call if you have any questions or comments.



---

Ken Johnston

**EXHIBIT 3**

**UDBE INFORMATION - GOOD FAITH EFFORTS**

Federal-aid Project No.: HP21L-5949(126), BHL-5949(062) & BHL-5949(063)

Bid Opening Date: 12/15/11

Bidder's Name: Specialty Construction, Inc.

The County of San Luis Obispo established an Underutilized Disadvantaged Business Enterprise (UDBE) goal of 3 % for this project. The information provided herein shows that a good faith effort was made.

Lowest, second lowest, and third lowest bidders shall submit the following information to document adequate good faith efforts. Bidders should submit the following information even if the "UDBE COMMITMENT" form indicates the bidder has met the UDBE goal. This will protect the bidder's eligibility for award of the contract if the County determines the bidder failed to meet the goal for various reasons, e.g., a UDBE firm was not certified at bid opening, or the bidder made a mathematical error. Submittal of only the "UDBE COMMITMENT" form may not provide sufficient documentation to demonstrate that adequate good faith efforts were made.

The following items are listed in Section 2-1.04B, "UDBE Good Faith Effort Submittal," of the Special Provisions:

- A. The names and dates of each publication in which a request for UDBE participation for this project was placed by the bidder (please attach copies of advertisements or proofs of publication):

Publications	Dates of Advertisement
Minority Business Development Agency	11/29/11 - 12/15/11
Small Business Administration	11/29/11 - 12/15/11
Construction Up-Date	11/24/11
Minority Bidders Bulletin	11/28/11

- B. The names and dates of written notices sent to certified UDBEs soliciting bids for this project and the dates and methods used for following up initial solicitations to determine with certainty whether the UDBEs were interested (please attach copies of UDBE search results, solicitations, telephone records, fax confirmations, etc.):

Names of UDBEs Solicited	UDBE Certification Number	Method and Date of Initial Solicitation	Follow Up Methods and Dates	Results of Follow Up
See attached "Documentation of Good Faith Efforts; Fax/Email/Phone Log."				

C. The items of work which the bidder made available to UDBE firms, including, where appropriate, any breaking down of the contract work items (including those items normally performed by the bidder with its own forces) into economically feasible units to facilitate UDBE participation. It is the bidder's responsibility to demonstrate that sufficient work to facilitate UDBE participation was made available to UDBE firms.

Items of Work	Bidder Normally Performs Item (Y/N)	Breakdown of Items	Amount (\$)	Percentage Of Contract
See attached "Documentation of Good Faith Efforts; Items of Work Made Available."				

D. The names, addresses, and phone numbers of rejected UDBE firms, the reasons for the bidder's rejection of the UDBEs, the firms selected for that work (please attach copies of quotes from the firms involved), and the price difference for each UDBE if the selected firm is not a UDBE:

Item of Work	Name, address, and phone number of rejected UDBE	Reason for rejection of UDBE	Name, address, and phone number of selected firm	Price difference between UDBE and selected firm
See attached "Documentation of Good Faith Efforts; Rejected UDBE Firms."				

E. Efforts made to assist interested UDBEs in obtaining bonding, lines of credit or insurance, and any technical assistance or information related to the plans, specifications and requirements for the work which was provided to UDBEs:

Solicitations sent to potential UDBE firms advised UDBE's to contact us if they needed assistance with these items, no requests for assistance were made from UDBE firms.

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F. Efforts made to assist interested UDBEs in obtaining necessary equipment, supplies, materials, or related assistance or services, excluding supplies and equipment the UDBE subcontractor purchases or leases from the prime contractor or its affiliate:

Solicitations sent to potential UDBE firms advised UDBE's to contact us if they needed assistance with these items, no requests for assistance were made from UDBE firms.

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G. The names of agencies, organizations or groups contacted to provide assistance in contacting, recruiting and using UDBE firms (please attach copies of requests to agencies and any responses received, i.e., lists, Internet page download, etc.):

Name of Agency/Organization	Method/Date of Contact	Results
Minority Business Development Agency	Internet - 11/29/11	Placed advertisement
Small Business Administration	Internet - 11/29/11	Placed advertisement SUB-Net Database
State of CA; Dept. of Transportation	Internet - 11/29/11	See attached Search Results
County of San Luis Obispo	Internet - 11/29/11	See attached DBE Directory

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H. Any additional data to support a demonstration of good faith efforts (use additional sheets if necessary):

See attached "Documentation of Good Faith Efforts."

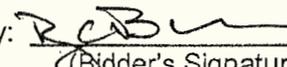
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By:  Rudolph C. Bachmann, President / Specialty Construction, Inc.  
 (Bidder's Signature/Printed Name and Title/Company Name)

NOTE: USE ADDITIONAL SHEETS OF PAPER IF NECESSARY.

**EXHIBIT 4**

**Specialty Construction, Inc.**  
 Fax/Email/Phone Log  
 Co. of San Luis Obispo Contract #s 300136, 300360, 300361  
 Federal Project #s HP21L-5949 (126), BHL-5949(062), BHL-5949(063)  
 Bridge Widening on Price Canyon Rd near Edna, CA

B. The names and dates of written notices sent to certified UDBEs soliciting bids for this project and the dates and methods used for following up initial solicitations to determine with certainty whether the UDBEs were interested (please attach copies of solicitations, telephone records, fax confirmations, etc.):

Firm Name	Initial Contact	Result	Response	Follow up Contact	Notes/Response	Final Response	Result
Alert-O-Lite	11/29/11 Via Fax	Successful	No Response	1:24 PM, 12/7/11 Via Phone	Not bidding per Katie	Did Not Bid	Did Not Bid
Aero Contracting Services	11/29/11 Via Fax	Successful	No Response	1:25 PM, 12/7/11 Via Phone	# disconnected, CSLB - LIC INACTIVE	Did Not Bid	Did Not Bid
	11/29/11 Via Email	Busy	No Response	1:26 PM, 12/7/11 Via Phone	Left Voice Mail	No Response	Did Not Bid
Amland Corp	11/30/11 Via Phone	Unsuccessful Left Voicemail	No Response	1:28 PM, 12/7/11 Via Phone	Not bidding per Jerry	Did Not Bid	Did Not Bid
Bass Electric	11/29/11 Via Fax	Successful	No Response	1:30 PM, 12/7/11 Via Phone	Not bidding per Abili	Did Not Bid	Did Not Bid
Deitech Engineering, Inc.	11/29/11 Via Fax	Successful	No Response	N/A - Couldn't find current contact information	N/A	Did Not Bid	Did Not Bid
Derrickson Pike Construction	11/29/11 Via Fax	Busy	Unable to Contact				
	11/29/11 Via Email	Unsuccessful # disconnected, unable to find new phone #					
Eagle Engineering and Construction, Inc.	11/29/11 Via Fax	Successful	No Response	1:31 PM, 12/7/11 Via Phone	Curtis requested information be refaxed - Considering - information refaxed as requested	Did Not Bid	Did Not Bid
				11:40 AM, 12/15/11 Via Phone	Called to find out if they had decided to bid or not - No, not bidding		
Exbon Development, Inc.	11/29/11 Via Fax	Busy	No Response	1:34 PM, 12/7/11 Via Phone	# disconnected	Did Not Bid	Did Not Bid
				1:36, 12/7/11 Via Phone	Tried new # on CSLB - Not bidding per Yount		
Fine Grade Equipment, Inc.	11/29/11 Via Fax	Successful	No Response	1:37 PM, 12/7/11 Via Phone	Not bidding per Kyle	Did Not Bid	Did Not Bid
				1:38 PM, 12/7/11 Via Phone	Left Voice Mail		
Norcal General Construction Corp	11/29/11 Via Fax	Successful	No Response			No Response	Did Not Bid

Specialty Construction, Inc.  
 Fax/Email/Phone Log  
 Co. of San Luis Obispo Contract #s 300136, 300360, 300361  
 Federal Project #s HP21L-5949 (126), BHL-5949(062), BHL-5949(063)  
 Bridge Widening on Price Canyon Rd near Edna, CA

Company Name	Initial Contact	Response	Follow Up Contact	Notes/Response	Final Response	Result
Phil Greene	11/29/11 Via Fax	Busy	1:40 PM & 2:12 PM, 12/7/11 Via Phone	No Answer	No Response	Did Not Bid
	11/29/11 Via Email	Successful	2:15 PM, 12/7/11 Via Email	Sent Email	No Response	Did Not Bid
Statewide Concrete Pumping, Inc.	11/29/11 Via Fax	Busy	1:42 PM, 12/7/11 Via Phone	Left Voice Mail	No Response	Did Not Bid
	11/29/11 Via Email	Successful	1:44 PM, 12/7/11 Via Phone	Left Voice Mail	No Response	Did Not Bid
Tipco Engineering, Inc.	11/29/11 Via Fax	Successful	1:50 PM, 12/7/11 Via Phone	Kevin w/ Tipco returned call, requested we refax info - Considering - information refaxed as requested	Quote Received	Listed
Tremwell Construction, Inc.	11/29/11 Via Fax	Successful	1:46 PM, 12/7/11 Via Phone	Left Voice Mail	No Response	Did Not Bid
Troy's Contracting	11/29/11 Via Fax	Busy	N/A - Contractors License is expired	N/A	Did Not Bid	Did Not Bid
	11/29/11 Via Phone	# Disconnected; CSLB - LIC EXPIRED				
UPBE Steel	11/29/11 Via Fax	Busy	1:48 PM, 12/7/11 Via Phone	# disconnected	No Response	Did Not Bid
	11/29/11 Via Email	Successful	1:52 PM, 12/7/11 Via Phone	Tried new # on CSLB - Left Voice Mail	No Response	Did Not Bid
A C Dike Co	11/29/11 Via Fax	Successful	12/7/11 - N/A	Didn't call already received confirmation they were bidding	Quote Received	Did Not List - Not Competitive
			12:58 PM, 12/15/11 Via Phone	Hadn't received quote yet, called to confirm still bidding		
C & L Drilling Co	11/29/11 Via Fax	Successful	1:59 PM, 12/7/11 Via Phone	Not bidding per Carla	Did Not Bid	Did Not Bid
	11/29/11 Via Fax	Busy	2:00 PM, 12/7/11 Via Phone	Left Voice Mail	No Response	Did Not Bid
Construction Consultant Services, Inc.	11/29/11 Via Email	Successful	2:02 PM, 12/7/11 Via Phone	Not bidding per Wendy	Did Not Bid	Did Not Bid
Dawson Mauldin Construction, Inc.	11/29/11 Via Fax	Successful	2:03 PM, 12/7/11 Via Phone	Not bidding per Sharon	Did Not Bid	Did Not Bid
DD-M Crane & Rigging	11/29/11 Via Fax	Successful	2:04 PM, 12/7/11 Via Phone	Left Voice Mail	No Response	Did Not Bid
Deana's Equipment Rental Co.	11/29/11 Via Fax	Successful			No Response	Did Not Bid

Specialty Construction, Inc.

Fax/Email/Phone Log

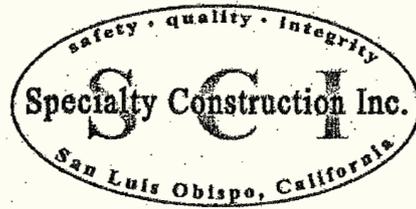
Co. of San Luis Obispo Contract #s 300136, 300360, 300361

Federal Project #s HP21L-5949 (126), BHL-5949(062), BHL-5949(063)

Bridge Widening on Price Canyon Rd near Edna, CA

Firm Name	Initial Contact	Response	Follow up Contact	Notes/Response	Final Response	Result
PC&N Construction, Inc.	11/29/11 Via Fax	No Response	2:08 PM, 12/7/11 Via Phone	Answers, but unable to leave Voice Mail	No Response	Did Not Bid
Ram Construction & Concrete, Inc.	11/29/11 Via Fax	No Response	2:12 PM, 12/7/11 Via Phone	Left Voice Mail	Did Not Bid	Did Not Bid
SJD Construction Inc.	11/29/11 Via Fax	No Response	2:08 PM, 12/7/11 Via Phone	Not bidding per Sandy(?)	Did Not Bid	Did Not Bid
Super Seal & Stripe, Inc.	11/29/11 Via Fax	No Response	2:10 PM, 12/7/11 Via Phone	Not bidding per Erin	Did Not Bid	Did Not Bid
			2:11 PM, 12/7/11 Via Phone	Yes, probably bidding per Sharon	Quote Received	Did Not List - Not Competitive

**EXHIBIT 5**



Documentation of Good Faith Efforts  
County of San Luis Obispo Contract #s 300136, 300360, 300361  
Federal Project #s. HP21L-5949(126), BHL-5949(062), BHL-5949(063)  
Bridge Widening on Price Canyon Rd near Edna, Ca

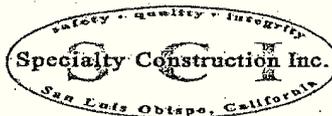
## **Items Made Available to UDBE Firms**

**Specialty Construction, Inc.**  
**Items Made Available to UDBE Firms**  
**County of San Luis Obispo Contract #s 300136, 300360, 300361**  
**Federal Project #s HP21L-5949(126), BHL-5949(062), BHL-5949(063)**  
**Bridge Widening on Price Canyon Rd near Edna, CA**

C. The items of work which the bidder made available to UDBE firms; including, where appropriate, any breaking down of the contract work items (including those items normally performed by the bidder with its own forces) into economically feasible units to facilitate UDBE participation. It is the bidder's responsibility to demonstrate that sufficient work to facilitate UDBE participation was made available to UDBE firms.

Items of Work	Bidder Normally Performs Item (Y/N)	Breakdown of Items	Amount (\$)	Percentage of Contract
MECHANICALLY STABILIZED EARTH WALL	Y	Yes	\$ 827,550.00	24.01%
EROSION CONTROL	N	Yes	\$ 27,644.00	0.80%
ASPHALT PAVING	N	Yes	\$ 69,100.00	2.00%
ASPHALT DIKE PLACEMENT	N	Yes	\$ 6,479.00	0.19%
METAL BEAM GUARD RAIL	N	Yes	\$ 34,080.00	0.99%
STRIPING	N	Yes	\$ 6,230.00	0.18%
CABLE RAILING	N	Yes	\$ 12,570.00	0.36%
SWPPP	N	Yes	\$ 10,600.00	0.31%
CONSTRUCTION AREA SIGNS	N	Yes	\$ 7,400.00	0.21%
TRAFFIC CONTROL	Y	Yes	\$ 34,500.00	1.00%
LEAD COMPLIANCE PLAN	N	Yes	\$ 1,810.00	0.05%
ASPHALTIC EMULSION	N	Yes	\$ 23,333.00	0.68%
DRIVE PILES	N	Yes	\$ 140,400.00	4.07%
PRECAST CONCRETE GIRDER	N	Yes	\$ 155,000.00	4.50%
BAR REINFORCING STEEL	N	Yes	\$ 179,925.00	5.22%
FENCING	N	Yes	\$ 3,930.00	0.11%
CONCRETE BARRIER	N	Yes	\$ 73,688.00	2.14%
BRIDGE REMOVAL	N	Yes	\$ 137,000.00	3.97%
72" CAST-IN-DRILLED-HOLE CONCRETE PILING	N	Yes	\$ 256,000.00	7.43%
SHOTCRETE	Y	Yes	\$ 5,200.00	0.15%
TUBULAR HANDRAILING	N	Yes	\$ 28,640.00	0.83%
<b>Total</b>			<b>\$ 2,041,079.00</b>	<b>59.21%</b>

# **EXHIBIT 6**



645 Clarion Court, San Luis Obispo, CA 93401  
(805) 543-1706 FAX (805) 543-1722

### REQUEST FOR BIDS

Date: December 16, 2011

From: Sheri Shamblin, Bid Coordinator - sshamblin@specialtyconstruction.com

Project: County of San Luis Obispo; Bridge Widening on Price Canyon Road near Edna, CA  
Contract No. 300136, 300360 & 300361  
Federal Project Nos. HP21L-59499(126), BHL-5949(062) & BHL-5949(063)

Bid Date/Time: 12/15/2011 @ 3:00 pm

Quotes Requested by: 5:00 pm, 12/14/11

Requested Services: An EOE requesting sub/supplier bids from qualified DBE/UDBE Subcontractors and Suppliers. Specialty Construction, Inc. (SCI) requests sub/supplier quotes from all qualified subcontractors and suppliers including certified DBE/UDBE firms for the following items of work, including but not limited to:

**MECHANICALLY STABILIZED EARTH WALL, EROSION CONTROL, ASPHALT PAVING, ASPHALT DIKE PLACEMENT, METAL BEAM GUARD RAIL, STRIPING, CABLE RAILING, SWPPP, CONSTRUCTION AREA SIGNS, TRAFFIC CONTROL, LEAD COMPLIANCE PLAN, ASPHALTIC EMULSION, DRIVE PILES, PRECAST CONCRETE GIRDER, BAR REINFORCING STEEL, CHAIN LINK FENCE, CONCRETE BARRIER, BRIDGE REMOVAL, 72" CAST-IN-DRILLED-HOLE CONCRETE PILING, SHOTCRETE, FENCING, TUBULAR HANDRAILING AND ALL SCHEDULED BID ITEMS OPEN FOR BID (INCLUDING ITEMS OF WORK NORMALLY PERFORMED BY SCI).**

Quotes will be broken down into comparable packages as reasonably necessary. SCI will work with interested DBE/UDBE subcontractors to identify opportunities to break down items into economically feasible packages.

Subcontractor/Supplier Requirements: 100% performance and payment bonds may be required for the full amount of subcontract price. SCI will pay for bond premiums up to 2%. Subcontractors must possess a current contractor's license, insurance and worker's compensation coverage meeting SCI and Owner's requirements. Subcontractors will also be required to sign the standard SCI Subcontract Agreement or Purchase Order as appropriate. For copies of the insurance requirements, Subcontract Agreement or Purchase Order, please contact Sheri Shamblin.

Plans and specifications are available for viewing at Specialty Construction, Inc. and for download at: [http://www.slocounty.ca.gov/PW/Design\\_Division/Projects\\_Out\\_To\\_Bid.htm](http://www.slocounty.ca.gov/PW/Design_Division/Projects_Out_To_Bid.htm)

Please contact Sheri Shamblin if you need any bidding assistance including; obtaining bonding, insurance, equipment, materials and/or supplies. SCI intends to work cooperatively with all qualified firms seeking work on this project.

### Response Requested

Please let us know of your interest in this project whether you plan on bidding or not by filling out the information below and faxing it back to our office.

**UNANSWERED REQUESTS WILL RECEIVE FOLLOW UP CONTACT**

Company Name: \_\_\_\_\_

Bidding:  YES or  NO (Check One)

Contact Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

Is your firm a Certified: UDBE, DBE, MBE, WBE, SBE, or DVBE? (Circle all that apply and provide:)

Certification #(s): \_\_\_\_\_ Certifying Agency(ies) \_\_\_\_\_

Please circle which items your firm intends to bid from the list above.

*Thank you for your prompt response to this request.*

**EXHIBIT 7**



Documentation of Good Faith Efforts  
County of San Luis Obispo Contract #s 300136, 300360, 300361  
Federal Project #s. HP21L-5949(126), BHL-5949(062), BHL-5949(063)  
Bridge Widening on Price Canyon Rd near Edna, Ca

**Rejected UDBE Firms**  
**Copies of quotes received from firms involved**

**Specialty Construction, Inc.**  
**Rejected UDBE Firms**  
**County of San Luis Obispo Contract #s 300136, 300360, 300361**  
**Federal Project #s HP21L-5949(126), BHL5949(062), BHL-5949(063)**  
**Bridge Widening on Price Canyon Rd near Edna, CA**

D. The names, addresses and phone numbers of rejected UDBE firms, the reasons for the bidder's rejection of the UDBEs, the firms selected for that work (please attach copies of quotes from the firms involved), and the price difference for each UDBE if the selected firm is not a UDBE: Names, addresses and phone numbers of rejected UDBEs and the reasons for the bidder's rejection of the UDBEs:

Names, addresses and phone numbers of firms selected for the work above:

Rejected UDBE Firm Name/Address/Phone	Reason for Rejection	Selected Firm Name/Address/Phone	Price Difference
A.C. Dike Co. 2788 Venture Dr. Lincoln, CA 95648 Ph: (916) 652-0159	Not Competitive	Asphalt Dike Construction, Inc. dba APCO P.O. Box 790 Goshen, CA 93227-0790 Ph: (559) 651-7900	\$5,024.10
Super Seal & Stripe P.O. Box 755 Fillmore, CA 93016-0755 Ph: (805) 524-7345	Not Competitive	Toste Construction, Inc. 2651 Green Place Arroyo Grande, CA 93420 Ph: (805) 473-0884	\$2,601.00
KRC Safety Co., Inc. 6085 West Hurley Ave. Visalia, CA 93292 Ph: (559) 732-0394	Not Competitive	Statewide Traffic Safety & Signs 130 Grobric Ct Fairfield, CA 94533 Ph: (707) 864-9952 (Items: 32, 34, 39, 40, 111, 113, 118, 119, 172)	\$18,001.00
		Specialty Construction, Inc. (SELF PERFORMED) 645 Clarion Ct. San Luis Obispo, CA 93401 Ph: (805) 543-1706 (Items: 1, 33, 37, 38, 112, 116, 117)	\$65,721.65