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State Contractor's License No. 211337-A



September 8, 2022

County of El Dorado  
Department of Transportation  
**ATTN: Jen Rimoldi, Assistant Engineer**  
2441 Headington Road  
Placerville, CA 95667

**RE:** CONTRACT No. - 6840 (2022 CALDOR FIRE ROAD REPAIR PROJECT)  
Bid date of 8/31/22 @ 2PM  
Bid Protest of Teichert Construction

Ms. Rimoldi,

George Reed, Inc. (GRI) hereby submits a bid protest to bid submitted by Teichert Construction (hereafter 'Teichert'). As outlined below, Teichert failed to submit a complete and responsive bid.

**Protest Item 1 (regarding Subcontractor List)**

Reference **Exhibit A** and **Exhibit B** pertaining to Subcontractors performing work for Teichert. Teichert's 'Subcontract List' was not completed as required by the County and Public Contracting Code. The County reiterated the importance for bidders to review the requirements of this document and adhere strict compliance to avoid rejection of bid. As such, the requirements are stated at top of the Subcontractor List document (typical), recapped within the Notice to Bidders starting on page N-2, and again discussed in the Pre-Bid meeting and restated in Response to Bidder Inquiries No. 2 in item 2.09 (#5 & #6).

Contrary to all of this, Teichert's bid is non-responsive for the following reasons:

**1) Exhibit A and Exhibit B**

Failure to list a Subcontractor. This is a .25' grind and pave project of approximately 19,000 Tons, a substantial quantity by all account. It is quickly noticed that Teichert failed to list a cold plane/grinding subcontractor. Teichert's bid of \$3,606,592.40 required listing of Subcontractors in excess of 0.5% or \$10,000 whichever is greater (at the 0.5% mark = >\$18,032.96). Further review of bid docs submitted by Teichert, Teichert is using Anrak as an **operated** grinder rental and therefore should have listed Anrak as a Subcontractor. As noted in Exhibit B (document provided in Teichert's DBE submittal pack as part of DBE Rejection Log noting reason for not using a DBE), Teichert lists Anrak as their Subcontractor for performing the Operated Grinder Rental work. Based on the work being performed by Anrak and the value of their work

(\$128,800), Teichert should have listed Anrak as a subcontractor on bid day. Similarly, for these reasons and this same scope, both George Reed #2 bidder (listed Anrak Corporation) and Granite #3 bidder (listed Pavement Recycling Systems).

⇒ Teichert's bid is non-responsive as it is in violation of the bid requirements along with the "Subletting and Subcontracting Fair Practices Act".

## 2) Exhibit A

Bid Item Description provided for Austin Enterprise states "5 – Crack Treatment for Geosynthetic Reinforcing Pavement Fabric (Grindable)".

⇒ "Crack Treatment" is not a bid item description; no specific bid item was provided for the crack treatment scope.

### **Protest Item #2 (regarding Iran Contracting Act form)**

Reference **Exhibit C** for the Iran Contracting Act document: As required at the top of the document under requirement ii: **and ii) the option checked below relating to my status...**

⇒ This form was not certified – no option was checked making this form incomplete.

Due to the reasons noted above, and in accordance with the project specifications, Teichert's bid submittal is incomplete and non-responsive. The County should reject their bid and award to the lowest, responsive, and responsible bidder.

Please call with any questions.

Respectfully,



Stacy Case  
Chief Estimator

**EXHIBIT A**

A. Teichert & Son, Inc. dba Teichert Construction

**SUBCONTRACTOR LIST**

The Bidder must list the name, address, license number, and DIR number of each subcontractor to whom the Bidder proposes to subcontract portions of the Work in excess of 0.5% of the total bid or \$10,000.00 whichever is greater, in accordance with the Public Contract Code commencing with Section 4100 and as required by the Contract Documents. The Bidder must also list the Work portion to be performed by each subcontractor by listing the bid item number, bid item description, and portion of the Work to be performed by the subcontractor in the form of a percentage calculated by dividing the Work to be performed by the subcontractor by the respective bid item amount(s) (not by the total bid price).

Firm Name Address City, State, Zip Code	Phone Fax	License No. DIR No.	Bid Item Number Bid Item Description	Percentage of Each Bid Item Subcontracted
<i>Name</i> KENT'S OIL SERVICE DBA PACIFIC NORTHWEST OIL <i>Address</i> P O BOX 6930 <i>City, State, Zip Code</i> STOCKTON, CA 95206	<i>Phone</i> (209) 463-4762 <i>Fax</i> (209) 463-2566	<i>License No.</i> 705296 <i>DIR No.</i> 1000377635	5- Geosynthetic Pavement Reinforcing Fabric (Grindable)	73.6%
<i>Name</i> CALIFORNIA GRINDING SPECIALTIES INC dba AUSTIN ENTERPRISE <i>Address</i> P O BOX 81926 <i>City, State, Zip Code</i> BAKERSFIELD, CA 93380	<i>Phone</i> (661) 589-1001 <i>Fax</i> (661) 589-9904	<i>License No.</i> 764893 <del>460001896</del>	5- Crack Treatment for Geosynthetic Reinforcing Pavement Fabric (Grindable)	25.1%
<i>Name</i>  <i>Address</i>  <i>City, State, Zip Code</i>	<i>Phone</i>  <i>Fax</i>	<i>License No.</i>  <i>DIR No.</i>		

2022 Caldor Fire Road Repair Project  
 Contract No. – 6840  
 August 10, 2022

County of El Dorado  
 Proposal  
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**EXHIBIT B**

Item D

Description of Work	Name of Selected Firm	DBE or Non-DBE	Name of Rejected Firm	Quote (Low)	Quote (2nd Low)	Price Difference	Reason Not Selected
Traffic Control System (Item 1)	Self Perform	Non-DBE	Force Traffic Control	\$90,000.00	\$ 100,130.00	(\$10,130.00)	Not low
Jobsite Management: SWPP Planning (Item 2)	Tully	DBE	n/a, used DBE	n/a, used DBE	n/a, used DBE	n/a, used DBE	n/a, used DBE
Hot Mix Asphalt (Type A): Trucking (Item 3)	West Coast Water & Trucking	DBE	n/a, used DBE	n/a, used DBE	n/a, used DBE	n/a, used DBE	n/a, used DBE
Hot Mix Asphalt (Type A): Oil Supplier (Item 3)	Black Diamond	DBE	n/a, used DBE	n/a, used DBE	n/a, used DBE	n/a, used DBE	n/a, used DBE
Operated Grinder Rental (Item 4)	Anrak	Non-DBE	ABSL	\$128,800.00	\$145,600.00	(\$16,800.00)	Not low
Crack Treatment (Item 5)	Austin Enterprise	DBE	n/a, used DBE	n/a, used DBE	n/a, used DBE	n/a, used DBE	n/a, used DBE

**As noted, Teichert rejected ABSL and is using Anrak for the "Operated Grinder Rental" on the Cold Planing work. This makes Anrak a Subcontractor to Teichert. Anrak's value of work at \$128,800 is in excess of 1/2% or \$10,000 whichever is greater (of Teichert's total bid). Teichert failed to list Anrak as a Subcontractor on bid day.**

**EXHIBIT C**

A. Teichert & Son, Inc. dba Teichert Construction

**IRAN CONTRACTING ACT CERTIFICATION**

(Public Contract Code Section 2200 *et seq.*)

As required by California Public Contract Code Section 2204, I certify subject to penalty for perjury that: i) I am duly authorized to execute this certification on behalf of Bidder; and ii) the option checked below relating to my status in regard to the Iran Contracting Act of 2010 (Public Contract Code Section 2200 *et seq.*) is true and correct:

Bidder is not:

(i) identified on the current list of persons and entities engaging in investment activities in Iran prepared by the California Department of General Services in accordance with subdivision (b) of Public Contract Code Section 2203; or

(ii) a financial institution that extends, for 45 days or more, credit in the amount of \$20,000,000 or more to any other person or entity identified on the current list of persons and entities engaging in investment activities in Iran prepared by the California Department of General Services in accordance with subdivision (b) of Public Contract Code Section 2203, if that person or entity uses or will use the credit to provide goods or services in the energy sector in Iran.

The County has exempted Bidder from the requirements of the Iran Contracting Act of 2010 after making a public finding that, absent the exemption, the County will be unable to obtain the goods and/or services to be provided pursuant to the Agreement.

The amount of the contract payable to Bidder for the work does not exceed \$1,000,000.

Signed Scott R. Lewis  
Titled Vice President & Regional Manager, Greater Sacramento  
Firm A. Teichert & Son, Inc. dba Teichert Construction  
Date 9/31/22

Note: In accordance with Public Contract Code Section 2205, false certification of this form shall be reported to the California Attorney General and may result in civil penalties equal to the greater of \$250,000 or twice the contract amount, termination of the contract and/or ineligibility to bid on public contracts for three years.