

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER, MS 43

1727 30th STREET

SACRAMENTO, CA 95816-8041

PHONE (916) 227-6299

FAX (916) 227-6282

www.dot.ca.gov/hq/esc/oe

*Flex your power!
Be energy efficient!*

November 13, 2013

Facsimile: (707) 459-0644

Frank Dutra, President
Mendocino Construction Services, Inc.
P.O. BOX 1517
Willits, CA 95490

01-378164
01-Men-128-VAR
B.O. 09/24/2013

Dear Mr. Dutra:

The Department of Transportation (Caltrans) received the attached letter dated October 4, 2013 from Mendocino Construction Services, Inc. (MCS) protesting the bid submitted by Argonaut Constructors (Argonaut). The protest alleges that Argonaut failed to make a Good Faith Effort to meet the Disadvantaged Business Enterprise (DBE) goal for this contract. MCS requests that Caltrans find the bid submitted by Argonaut nonresponsive and award the contract to MCS.

The Office of Business and Economic Opportunity, Contract Evaluation Unit (CEU) reviewed the DBE documents submitted by Argonaut and determined that Argonaut failed to meet the stated 8 percent DBE goal for this contract. However, Caltrans in accordance with the Code of Federal Regulations (49 CFR Part 26.53), must provide Argonaut an opportunity for administrative reconsideration prior to awarding this contract to the next lowest responsible bidder.

If you have any questions, please contact Mulissa Smith, Contract Awards Branch Chief, at (916) 227-6228.

Sincerely,

A handwritten signature in black ink, appearing to read "J. C. McMILLAN", written over a horizontal line.

JOHN C. McMILLAN
Deputy Division Chief
Office Engineer
Division of Engineering Services

Attachment



MENDOCINO CONSTRUCTION SERVICES, INC.
P.O. Box 1517, Willits, California 95490
Con. Lic. #443396 (707) 459-2377

October 4, 2013

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

Re: Contract 01-378164
Bid Protest

Gentlemen:

Mendocino Construction Services, Inc. protests the bid of Argonaut Constructors based on the fact that they did not meet the DBE goal for this contract nor did they make a "Good Faith Effort" and therefore their bid should be declared as non-responsive.

A review of Argonauts' DBE submittal indicates that although ample items were available for DBE participation they chose not to utilize DBE's that were available to perform these items of work or provide the required materials. As an example, the attached page from Argonauts DBE submittal indicates that between traffic control, trucking, and pipe suppliers these items of work accounted for approximately 13.8% of their bid, yet they chose not to utilize DBE's that were available to provide these services and materials. I have attached quotes for your reference from subcontractors, truckers and material suppliers that were available and even utilized by some of the other contractors who prepared a bid on this project.

After the Caltrans completes their review of Argonauts' "Good Faith Efforts" or lack thereof I believe there will be no other choice than to declare Argonauts bid "Non-responsive" in the fact that they did not make a "Good Faith Effort" to achieve the DBE goal that was required on this project and award the bid to the next responsible/responsive bidder, Mendocino Construction Services, Inc.

Sincerely,

A handwritten signature in black ink that reads "Frank Dutra". The signature is written in a cursive, flowing style.

Frank Dutra
President

Enclosures

**** Transmit Conf. Report ****

P.1
CALTRANS CONTR AWARDS Fax 916-227-6282

Nov 13 2013 04:13pm

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
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STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN II, Governor

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Sincerely,

A handwritten signature in black ink, appearing to read "John C. McMillan".

P. JOHN C. McMILLAN
Deputy Division Chief
Office Engineer
Division of Engineering Services

Attachment