

ERIN K. McDONOUGH
PARTNER
DIRECT DIAL (916) 491-3021
DIRECT FAX (916) 491-3081

May 7, 2015

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

Mohsen Sultan
Acting Chief, Office of Contract Awards and Services
Department of Transportation
Division of Engineering Services
Office of Contract Awards and Services
1727 30th Street
P.O. Box 168041, MS-43
Sacramento, CA 95816-8041

**Re: Good Faith Effort Reconsideration Committee Determination
Contract No. 03-0F6904
Our File No. 30331.1**

Dear Mr. Sultan:

This firm represent Myers & Sons, LP ("Myers") with respect to the above-referenced Good Faith Effort Reconsideration Committee Determination (the "Determination") for California Department of Transportation ("Caltrans") Contract No. 03-0F6904 (the "Contract").

As you may know, on April 21, 2015, Myers was notified that the Office of Business and Economic Opportunity, Contract Evaluation Unit (the "CEU") concluded that Myers did not make a good faith effort to meet the DBE goal for the Contract. In that letter, the CEU provided a date for the reconsideration meeting and advised that "[f]ollowing the meeting, the Committee will send your company a written decision on reconsideration, *explaining the basis for finding that your company did or did not meet the goal or make adequate good faith efforts to meet the goal.*"

Myers' responded to the CEU's notification on April 21, 2015, a copy of which is also attached. In that letter, Myers stated, "[w]e have asked Caltrans on several occasions to elaborate or provide additional information justifying their conclusions in this letter and [they] have refused to provide this information, making our response difficult." Myers attended the Reconsideration Hearing on April 27, 2015 and, once again, requested that Caltrans provide a basis for its decision.

On May 1, 2015, Myers received a one paragraph response from Caltrans, entitled "Findings and Conclusions Of The Good Faith Effort Reconsideration Committee." Rather than explaining the basis for its finding, as it stated it would in its April 21, 2015 letter and as requested by Myers on numerous occasions, Caltrans summarily stated that "[t]he Reconsideration Committee has concluded that Myers & Sons Construction, LP failed to demonstrate that it made an adequate good faith effort to meet the 17% contract goal." Such a conclusory

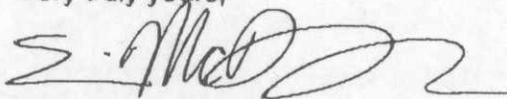
Mohsen Sultan
May 7, 2015
Page 2

statement gives the appearance of arbitrary decision making and provides no guidance to Myers or other contractors as to how they can meet Caltrans' interpretation of the Good Faith Effort Requirements of Title 49 of the United States Code of Federal Regulations Part 26.

Accordingly, Myers requests that Caltrans provide a detailed explanation of the Reconsideration Committee's determination that Myers did not meet the Good Faith Effort Requirement. Concurrently herewith, Myers is also submitting a Public Records Act Request to Caltrans, requesting all documents regarding Caltrans' implementation of 49 CFR Part 26.

Please feel free to contact me with any questions.

Very truly yours,



Erin K. McDonough

EKM:ekm

Enclosure

cc: Clinton Myers