

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER

1727 30th STREET, MS-43

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 18, 2013

Facsimile: (775) 355-0535

Kevin L. Robertson, President
Sierra Nevada Construction, Inc.
P.O. Box 50760
Sparks, NV 89435

03-2F1504
03-ED-49-30.9/31.3
B.O. 09/25/2013

Dear Mr. Roberston:

The Department of Transportation (Caltrans) received the attached letter dated October 7, 2013, from Sierra Nevada Construction, Inc. (SNC) protesting the bids submitted by Doug Veercamp General Engineering (Doug Veercamp) and Western Engineering Contractors, Inc. (WEC). The protest alleges that Doug Veerkamp did not submit a completed and signed DBE Commitment form and that WEC failed to meet the Disadvantaged Business Enterprise (DBE) goal established for this project. SNC is requesting that Caltrans find the bids submitted by Doug Veercamp and WEC nonresponsive and award the contract to SNC.

Caltrans did not complete an evaluation of this protest as it pertains to Doug Veerkamp since the bid submitted by Doug Veerkamp was found nonresponsive.

The Office of Business and Economic Opportunity, Contract Evaluation Unit (CEU) reviewed the protest and DBE documents submitted by WEC and determined that WEC demonstrated a good faith effort to meet the DBE participation goal for this contract.

Based on the above, Caltrans finds SNC's protests lack merit and will proceed to award the contract to the lowest responsible bidder, provided that all requirements are met.

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 "John C. McMILLAN", written over a horizontal line.

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

Attachment

Received
Oct. 7. 2013 1:52PM

Oct 7 2013 01:50pm

No. 6686 P. 1

SNC

SIERRA NEVADA CONSTRUCTION, I

October 7, 2013

California Department of Transportation
Attn: John C. McMillan
1727 30th Street
Sacramento, CA 95816

FAX: (916) 227-6282

Re: Contract 03-2F1504
Bid Protest

mail
po box 50760
sparks, nv 89435-0760

yard
2055 east greg street
sparks, nv 89431

775-355-0420 phone
775-355-0535 fax

nv lic. #25565 ca lic. #593393

Please consider this letter Sierra Nevada Construction's formal protest pertaining to Caltrans Contract 03-2F1504 that bid on 09/25/13.

The apparent low bidder, Western Engineering Contractors, did not meet the ten-percent (10%) Disadvantaged Business Enterprises (DBE) goal established for this project, but rather made a commitment of 3.2%. Additionally, Western Engineer Contractors did not make an adequate Good Faith Effort (GFE) to meet the established goal. The evidence that Western Engineering Contractors' efforts fell short to satisfy the goal is demonstrated by the fact that another contractor, namely Sierra Nevada Construction easily exceeded the established goal and committed to 11.1%. Further evidence of Western Engineering Contractors' inadequate Good Faith Effort is the fact they did not "Opt In" on Caltrans website seeking assistance from DBE firms.

Caltrans has long established that evidence of not making a GFE can be established when another contractor makes the goal proving that the goal is attainable.

The apparent second bidder, Doug Veerkamp General Engineering, not only failed to meet the established DBE goal, but also did not submit a completed and signed DBE Commitment form.

Considering the above arguments, Sierra Nevada Construction requests that Caltrans find both Western Engineering Contractors and Doug Veerkamp General Engineering's bids nonresponsive and award the contract to Sierra Nevada Construction.

Please feel free to contact me with any questions or concerns regarding this matter at (775)355-0420.

Sincerely,



Marc Markwell
CFO

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

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

Nov 18 2013 02:59pm

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
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~~REPUBLIC OF CALIFORNIA - CALIFORNIA LEGISLATURE AGENCY~~

EDMUNDO BROWN Jr., Governor

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Sincerely,

JOHN C. McMILLAN
Deputy Division Chief
Office Engineer
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