

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER, MS 43

1727 30th STREET

P. O. BOX 168041

SACRAMENTO, CA 95816-8041

PHONE (916) 227-6280

FAX (916) 227-6282

TTY 711

*Flex your power!
Be energy efficient!*

March 28, 2013

Facsimile: (805) 544-5584

Eric Newton, President
Newton Construction & Management, Inc.
P.O. Box 3260
San Luis Obispo, CA 93401

04-2E7504
04-SM-84,101,380-Var
B.O.1/29/2013

Dear Mr. Newton:

The Department of Transportation (Caltrans) received a bid submitted by Newton Construction & Management, Inc. (Newton) for Contract No. 04-2E7504 on January 29, 2013. By this letter, Caltrans notifies Newton Construction that its bid is nonresponsive since Newton Construction did not comply with the Contract Special Provision Section 2-1.15, DISABLED VETERAN BUSINESS ENTERPRISES, which states in part:

"...Meet the goal shown on the Notice to Bidders" and further states, "Complete and submit the Certified DVBE Summary form. List all DVBE participation on this form."

The Office of Business and Economic Opportunity, Contract Evaluation Unit (CEU) evaluated Newton Construction's DVBE Summary form and found that Newton Construction overstated the amount of participation for Western Structure by claiming 6 percent. The correct amount to be claimed for bid items 12 and 13 is \$828.39 and \$2,781.03, totaling \$3609.42. Since \$3609.42 is only .04 percent of the goal, Newton Construction does not meet the DVBE goal for this contract.

Based on the above, Caltrans will proceed to award the contract to the lowest responsible bidder provided all requirements are met.

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

Sincerely,

Handwritten signature of John C. McMILLAN in black ink.

JOHN C. McMILLAN

Deputy Division Chief

Office Engineer

Division of Engineering Services

Attachment

Was in bid book
Low bidder

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
CERTIFIED DVBE SUMMARY
DES-0E-D102.5 (REV 3/2008)

Low Bidder

DISTRICT-COUNTY-ROUTE: _____
 CONTRACT NO.: 04-2E7504
 TOTAL BID: \$943,071.43
 BID OPENING DATE: 1/29/13
 BIDDER'S NAME: NEWTON CONSTRUCTION
 DVBE PRIME CONTRACTOR CERTIFICATION: _____

Bid Item Number	Description of Work to Be Subcontracted to DVBE or Materials to Be Supplied by DVBE ²	For Caltrans Only	DVBE (Name, Telephone No., and Certification No.)	\$ Amount
12, 13	DECK SURFACING		WESTERN STRUCTURE 951-352-4300 #60085	57,000 3,609.42
GOAL NOT MET <i>Eric Newton</i> CONTRACT EVALUATION MANAGER DATE: <u>2/10/13</u>				3,609.42
Names of first tier DVBE subcontractors and their items of work listed must be consistent with the names and items of work in the Subcontractor List (Pub Cont Code § 4100 et seq.) submitted with the bid. Identify second and lower tier subcontractors on this form.			Total Claimed Participation	\$57,000.00 <u>6</u> % 37%

1. DVBE prime contractors must enter their DVBE reference number or their DBA name as listed with Department of General Services (DVBE prime contractors are credited with 100 percent DVBE participation and need not complete the above table).
 2. If 100% of an item is not performed or supplied by the DVBEs, describe the exact part, including the planned location of work to be performed, or item to be performed or supplied by DVBE.

Submit to:
 MSC 43
 OFFICE ENGINEER
 DEPARTMENT OF TRANSPORTATION
 1727 30TH STREET
 SACRAMENTO, CA 95816-7005

Eric Newton
 Signature of Bidder
1/28/13
 Date
805-544-5583
 (Area Code) Telephone Number
ERIC NEWTON
 Contact Person (Type or Print)

ADA Notice: For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-8410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

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

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

Mar 29 2013 11:31am

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
918055445584	Normal	29:11:28am	2'56"	2	OK	

STATE OF CALIFORNIA--BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES

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