

**DEPARTMENT OF TRANSPORTATION**  
DIVISION OF ENGINEERING SERVICES  
OFFICE ENGINEER  
P.O. BOX 168041, MS-43  
SACRAMENTO, CA 95816-8041  
PHONE (916) 227-6299  
FAX (916) 227-6282  
TTY 711  
www.dot.ca.gov



*Serious Drought.  
Help save water!*

December 23, 2015

Facsimile: (714) 384-3988

Ashish Sehgal, President  
America Pacific Construction  
201 Laurel Ave #13  
Brea, CA 92821

04-2G4424  
04-CC-80-5.2/9.7  
B.O. 11/5/2015

Dear Mr. Sehgal:

The Department of Transportation (Caltrans) received a letter dated November 14, 2015, from America Pacific Construction (America Pacific) protesting the bid submitted by Midstate Barrier, Inc. (Midstate) for Contract 04-2G4424 on November 5, 2015. The protest alleges that the Subcontractor's List form and the Disadvantaged Business Enterprise (DBE) Commitment form was inconsistent because Midstate listed AC Dike to perform 100 percent of bid item 24 and listed KRC Safety, Inc. to perform 100 percent of bid item 6, however, on the DBE Commitment form the participation was reduced to only 26.5 percent and 65 percent respectfully.

Caltrans does not perform calculations at bid time of the percentages listed on the Subcontractor's List form with regard to the amount listed for a particular item. Caltrans has found that frequently, the percentages of each bid item are not a one for one match with the dollar amounts listed on the DBE Commitment form, since the total bid amount and even individual bid items, may include the contractors profit and overhead. On this basis and in this instance, Caltrans does not agree that the bid submitted by Midstate is nonresponsive.

Based on the above, Caltrans will proceed to award the contract to the lowest responsible bidder.

**The Resident Engineer will receive a copy of this letter for Contract Administration Compliance.**

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

Sincerely,

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

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

TRANSMISSION VERIFICATION REPORT

TIME : 12/23/2015 13:40  
NAME : OE AWARDS  
FAX : 9162276320  
TEL : 9162276299  
SER. # : BROM3J484361

DATE, TIME	12/23 13:40
FAX NO. /NAME	917143843988
DURATION	00:00:30
PAGE(S)	01
RESULT	OK
MODE	STANDARD

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

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