

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 draught.
 Help save water!*

March 15, 2016

Facsimile: (925) 803-4263

Michael A. Kloos, Vice President
 DeSilva Gates Construction, LP
 11555 Dublin Blvd
 Dublin, CA 94568

04-2J0704
 04-Ala-880-2.9/27.3
 B.O. 12/3/2015

Dear Mr. Kloos:

The Department of Transportation (Caltrans) received the letters dated December 17 and 24, 2015, January 4 and 25, 2016, and February 18, 2016, from Attorney Randall M. Smith, representing DeSilva Gates Construction, LP (DeSilva Gates) protesting the bid submitted by Bay Cities Paving & Graving, Inc. (Bay Cities). The protest alleges that Bay Cities listed FBD Vanguard Construction (Vanguard) to perform the following:

Bid Item	Percent Subcontracted
102 - Concrete Barrier (Type 60G MOD)	85
106 - Concrete Barrier (Type 60G)	75
108 - Concrete Barrier (Type 60GE)	85

Since these are items were listed at less than 100 percent, Bay Cities failed to provide a detailed technical description of the actual portion of work to be performed. The protest further alleges that on Bay Cities' Disadvantaged Business Enterprise (DBE) Commitment Form, Bay Cities identified G&C Equipment as a 2nd tier supplier to Independent Structures, Inc. (Independent Structures), to supply materials for Bid Item 68, 69, and 71 (Structural Steel, Furnish sign Structure (Truss) and Metal Barrier Mounted Sign). While Bay Cities correctly listed bid items 68 and 69, bid item 71 was not subcontracted to Independent Structures, rather Farwest Safety, Inc. was listed as performing 100 percent of this item. DeSilva Gates respectfully requests that Bay Cities bid be rejected and the award the contract to DeSilva Gates.

Caltrans does not require a detailed technical description of the work to be performed and therefore, accepts the description given as to the work being performed by FBD Vanguard.

As the protest relates to the listing of G&C Supply, since Bay Cities did not list Independent Structures for bid item 71 and erred in its listing on the DBE Commitment form, credit for the materials relating to this item will not be counted towards Bay Cities' overall DBE participation.

Mr. Kloos
March 15, 2016
Page 2

Therefore, the protest from DeSilva Gates will have no bearing on the award of this contract and will proceed to award this contract to the lowest responsible bidder, provided that all requirements have been met.

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

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

Sincerely,



JEFF DEFEVERE
Office Chief
Office Engineer, Construction Contract Awards
Division of Engineering Services

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

P. 1
CAL/TRANS PLANS COUNTER

Mar 15 2016 04:17pm

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
919258034263	Normal	15:04:17pm	0'29"	2	# 0 K	

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

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!*

March 15, 2016

Facsimile: (925) 803-4263

Michael A. Kloos, Vice President
DeSilva Gates Construction, LP
11555 Dublin Blvd
Dublin, CA 94568

04-2J0704
04-Ala-880-2.9/27.3
B.O. 12/3/2015

Dear Mr. Kloos:

The Department of Transportation (Caltrans) received the letters dated December 17 and 24, 2015, January 4 and 25, 2016, and February 18, 2016, from Attorney Randall M. Smith, representing DeSilva Gates Construction, LP (DeSilva Gates) protesting the bid submitted by Bay Cities Paving & Graving, Inc. (Bay Cities). The protest alleges that Bay Cities listed FBD Vanguard Construction (Vanguard) to perform the following:

Bid Item	Percent Subcontracted
102 - Concrete Barrier (Type 60G MOD)	85
106 - Concrete Barrier (Type 60G)	75
108 - Concrete Barrier (Type 60GE)	85

Since these are items were listed at less than 100 percent, Bay Cities failed to provide a detailed technical description of the actual portion of work to be performed. The protest further alleges that on Bay Cities' Disadvantaged Business Enterprise (DBE) Commitment Form, Bay Cities identified G&C Equipment as a 2nd tier supplier to Independent Structures, Inc. (Independent Structures), to supply materials for Bid Item 68, 69, and 71 (Structural Steel, Furnish sign Structure (Truss) and Metal Barrier Mounted Sign). While Bay Cities correctly listed bid items 68 and 69, bid item 71 was not subcontracted to Independent Structures, rather Farwest Safety, Inc. was listed as performing 100 percent of this item. DeSilva Gates respectfully requests that Bay Cities bid be rejected and the award the contract to DeSilva Gates.

Caltrans does not require a detailed technical description of the work to be performed and therefore, accepts the description given as to the work being performed by FBD Vanguard.

As the protest relates to the listing of G&C Supply, since Bay Cities did not list Independent Structures for bid item 71 and erred in its listing on the DBE Commitment form, credit for the materials relating to this item will not be counted towards Bay Cities' overall DBE participation.