

**DEPARTMENT OF TRANSPORTATION**  
DIVISION OF ENGINEERING SERVICES  
OFFICE ENGINEER, MS 43  
1727 30<sup>th</sup> 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!*

April 23, 2013

Facsimile: (925) 288-1353

Brian Haber, President  
Anozira, Inc.  
2415 San Ramon Valley Blvd. 4-426  
San Ramon, CA 94583

05-1C5404  
05-Mon-101-39.0/39.7, 42.1  
B.O. 03/20/2013

Dear Mr. Haber:

The Department of Transportation (Caltrans) received the attached protest letters dated March 29, 2013, and April 19, 2013, from Anozira, Inc. (Anozira), protesting FBD Vanguard Construction, Inc.'s (FBD) selection of Disabled Veteran Business Enterprise (DVBE) Cal-Vet Services (Cal-Vet). The protests allege that the DVBE subcontractor Cal-Vet does not possess an active C-31 License to perform traffic control services. Anozira requests that Caltrans find FBD nonresponsive and award the contract to Anozira.

The Contract Evaluation Unit (CEU) has conducted an independent investigation and review of the allegations submitted by Anozira. According to the Contractors State License Board (CSLB), Cal-Vet possesses the C-31 license that allows them to perform the traffic control services for this contract.

Caltrans finds Anozira's protest does not have merit and will proceed to award the contract to the lowest responsible bidder.

If you have any questions, please contact Mulissa Smith, Contract Awards Branch 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

Attachment



March 29, 2013

Mr. John McMillan  
Deputy Division Chief  
State of California  
Department of Transportation  
Division of Engineering Services  
Office Engineer, MSC 43  
1727 30<sup>th</sup> Street  
Sacramento, CA 95816  
Office: (916) 227-6280  
Fax: (916) 227-6282

Reference: Contract No. 05-1C5404  
05-Mon-101-39.0/39.7, 42.1

Subject: **Bid Protest**

Dear Mr. McMillan,

On March 20, 2013, FBD Vanguard Construction, Inc. (FVC) submitted the apparent second low bid and Anozira, Inc. (ANZ) the apparent third low bid, thus having an interest in this matter. ANZ hereby protests the potential award of the above referenced Contract to FVC in the event that the apparent low bidder, Don Chapin would be eliminated as the low bidder for reasons they have stated in their request for relief of their submitted bid.

In FVC's bid documents on the "Subcontractor List", FVC listed "Cal-Vet Services Santa Clara, CA" (CVS) for "Lane Closures & PCMS (Partial)" as well as on their subsequently submitted DVBE Listing. As supported by the enclosed documents, CVS does not currently hold a license to do work in the category that requires a C-31 license. Edward Ibanez, as the qualifying party, has been disassociated from the Cal-Vet license, since November of 2012. Per 2010 Standard Specification 5-1.13 Subcontracting, section A - General - "Each subcontractor must have an active and valid State contractor's license with a classification appropriate for the work to be performed (Bus & Prof Code SS 7000 et seq.)."

- Exhibit A: FVC's Subcontractor List - showing what bid items FVC named CVS for.
- Exhibit B: Certified DVBE Summary as submitted by FVC via fax on 22 March 2013
- Exhibit C: CSLB Personnel list for CVS's license from CSLB website
- Exhibit D: CSLB CVS's Personnel detail for Ibanez, Edward Emilio from CSLB website
- Exhibit E: CSLB Ibanez, Edward Emilio license detail from CSLB website
- Exhibit F: CSLB Western Traffic Personnel List from CSLB website
- Exhibit G: CSLB Western Traffic License Detail from CSLB website

Anozira, Inc.  
2415 San Ramon Valley Blvd. 4-426 San Ramon, CA 94583  
925-771-8400 Fax 925-288-1353  
LIC. 922431

Furthermore, the exhibits document that, the previous qualifying party for the C-31 license has in fact been the qualifying party for his own company, Western Traffic Supply Inc. and as such is listed as the RMO/CEO/PRES since June 22, 2012. The absence of a qualifying party for a C-31 license means that CVS only has a B, General Building and C20, Warm-Air heating, ventilation and air-conditioning classification and should therefore not be allowed to be counted toward the DVBE goal for work for which they are not validly licensed as a subcontractor. CVS's Class B and C20 do not cover "Traffic Control and PCMS" work types.

In summary ANZ's position is that CVS's can not be utilized as FVC intended in their bid documents. CVS can not be used to make any portion of the DVBE goal for this project. The DVBE goal for this project was five percent. Without CVS, FVC's bid does not meet the DVBE goal for a federal aid project. Per 2010 Standard Specification 2-1.15 Disable Veteran Business Enterprises section B - Project \$5 Million or Less - "Meet the goal shown on the *Notice to Bidders*." ANZ requests FVC's bid be rejected for not meeting the DVBE goal, thus moving ANZ's bid rank from third to second and assuming relief is granted to Don Chapin Co., ultimately to the lowest responsible bidder.

Please feel free to contact me if there are any questions or you require any additional information.

Sincerely,  
Anozira, Inc.



Brian Haber

CC: 05-1C5404 Bid File (Protest FVC)

Anozira, Inc.  
2415 San Ramon Valley Blvd. 4-426 San Ramon, CA 94583  
925-771-8400 Fax 925-288-1353  
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# Exhibit A

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
**SUBCONTRACTOR LIST**  
 DES-OE-0102.2 (REV 3/2011)

Bidder Name: FBD Vanguard Const.

The bidder must identify each subcontractor performing work in an amount in excess of 1/2 of 1 percent of the total bid or \$10,000, whichever is greater (Pub Cont Code § 4100 et seq.). Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916) 227-6282 within 24 hours after the bid opening. Failure to provide complete information in columns 1 through 4 within the time specified will result in a nonresponsive bid.

| Column 1: Business Name and Location  | Column 2: Bid Item Nos. | Column 3: Percentage of Bid Item Subcontracted | Column 4: Description of Subcontracted Work                 |
|---------------------------------------|-------------------------|--|---|
| Cal-Vet Services<br>Santa Clara, CA   |                         |  | Lane Closures & PEMS<br>(partial)                           |
| Harbor Companies<br>San Bernadino, CA |                         |  | Grind existing pavement<br>(partial)                        |
| Super Seal & Stripe<br>Fillmore, CA   |                         |  | Striping Traffic Control<br>Striping & Markers<br>(partial) |

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

TM

Exhibit B 1 of 3

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
**CERTIFIED DVBE SUMMARY**  
 DE8-OE-0102.5 (REV 3/2008)

# Second Bidder

DISTRICT-COUNTY-ROUTE: 05 - Men - 101  
 CONTRACT NO.: 05-105404  
 TOTAL BID: \$ 454,429  
 BID OPENING DATE: 3/29/2013  
 BIDDER'S NAME: FBD Vanguard Construction Inc.  
 DVBE PRIME CONTRACTOR CERTIFICATION: \_\_\_\_\_

| Bid Item Number   | Description of Work to Be Subcontracted to DVBE or Materials to Be Supplied by DVBE * | For Caltrans Only | DVBE (Name, Telephone No., and Certification No.) | \$ Amount                         |
|---|---|-------------------|---|-----------------------------------|
| 2   | Lane Closures   |                   | Cal-Vet Services                                  | \$ 22,950                         |
| 3   | PCMS  |                   | 408-499-0088<br># 1111002                         | \$ 3,100                          |
| 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. |   |                   | <b>Total Claimed Participation</b>                | \$ <u>26,050</u><br><u>5.74 %</u> |

- 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).
- 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, of item to be performed or supplied by DVBE.

Submit to:

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

Dominic Spasato 3/19/13  
 Signature of Bidder Dominic Spasato Date  
925-245-1300  
 (Area Code) Telephone Number  
Dominic Spasato  
 Contact Person (Type or Print)

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TOD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

03-28-13P01:05 ROAD

Mar 19 13 07:02p

Exhibit B 2 of 3

p.1



**CAL-VET SERVICES, INC.**  
 679 San Miguel Avenue  
 Santa Clara, Ca. 95050  
 (408) 499-0068 Office  
 (408) 831-6111 Fax

Certified DVBE & SBE No. 1111802  
 Contractor's License No. 844938  
 Classification: C-31

|   |                                  |
|---|----------------------------------|
| <b>Contract:</b> 05-1C5404                            | <b>Working Days:</b> 45          |
| <b>Description:</b> Hwy 101 Concrete Slab Replacement | <b>Location:</b> Monterey County |
| <b>Bid Date:</b> 3/20/2013                            |                                  |

| Item # | Item Code | Item Description  | Qty. | Bid Price   |
|--------|-----------|---|------|---|
| 2      | 120100    | Traffic Control System<br>1 truck, 8 people, 1 arrow board, Cones and signs up to 8 hours<br>truck is a fully loaded traffic control truck. To close 1 lane & ramp.<br>(no impact truck included) Day or Night<br>$10 \text{ (11 hr shifts)} \times \$2,190 \text{ per shift} = \$21,900$ | 1    | \$1515.00<br>8Hr. Shift<br>Mon-Fri<br>\$225.00<br>Overtime Hr.<br>8-12 &<br>Saturdays<br>\$285.00<br>Double-Time<br>Hr. 12 + &<br>Saturdays |
| 2      | 120100    | Additional Arrowboard per shift for each additional lane.<br>$10 \text{ shifts} \times \$105 / \text{shift} = \$1,050$  | 1    | 105.00 per<br>shift   |
| 3      | 128880    | Portable Changeable Message Sign (PACH)<br>-Includes Initial programming, placement & maintenance throughout<br>project<br>$2 \text{ signs} \times 2 \text{ week} \times \$775 \text{ per week} = \$3,100$  |      | \$125.00<br>Per Day<br>\$775.00<br>Per Week<br>\$1500.00<br>Per Month   |

Contact: Brent Hair (408) 499-0068 for information pertaining to this quote

Exhibit B 3 of 3

**FBD Vanguard Construction Inc**

651 Enterprise Court  
Livermore, CA 94550  
Phone: (925) 245-1300  
Fax: (925) 245-1007  
License: 833032

---

**To:** MSC 43 **Date:** 3/22/2013

---

**Company:** Office Engineer, Department of **Fax #:** 916-227-6282  
Transportation

---

**From:** Walt Janzen **Pages (including cover sheet):** 3

---

**Re:** 05-1C5404 Certified DVBE Summary

---

**X For Review**

**Please Reply**

**Original to Follow**

---

**• Comments:**

Enclosed is our Certified DVBE Summary for Contract #05-1C5404 which bid at 2:00 PM on 3/20/2013.

3/29/13

Personnel List - Contractor State License Board

Exhibit  
C



DEPARTMENT OF CONSUMER AFFAIRS

# Contractors State License Board

## Contractor's License Detail (Personnel List)

Contractor License #: 894938

Contractor Name: CAL - VET SERVICES INC

Click on the person's name to see a more detailed page of information on that person

| NAME                                 | TITLE        | ASSOCIATION DATE | RES ASSOCIATION DATE | CLASS | MORE CLASS |
|--------------------------------------|--------------|------------------|----------------------|-------|------------|
| <a href="#">EDWARD EMILIO IBANEZ</a> | RMO          | 06/08/2011       | 11/01/2012           | C31   |            |
| <a href="#">BRENT CLIFTON HAIR</a>   | RMO/CEO/PRES | 04/20/2007       |                      | B     | More       |

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3/29/13

Exhibit D

Contractor's License Personnel Detail - Contractor State License Board

### Contractor's License Personnel Detail

Contractor License #: 894938

Contractor Name: CAL - VET SERVICES INC

Name: EDWARD EMILIO IBANEZ

| Title and Class History | TITLE | CLASS                                 | REGISTRATION DATE | DISCONTINUATION DATE |
|-------------------------|-------|---------------------------------------|-------------------|----------------------|
|                         | RMO   | C31 CONSTRUCTION ZONE TRAFFIC CONTROL | 06/08/2011        | 11/01/2012           |

| Bonding History | PERCENT | SURETY COMPANY | EXPIRE | BOND AMOUNT | EFFECTIVE DATE | CANCELLATION DATE |
|-----------------|---------|----------------|--------|-------------|----------------|-------------------|
|                 | %       |                |        |             | 06/08/2011     |                   |

[print](#) | [>> close window <<](#)

3/29/13

Home Improvement Registration Detail - Contractor State License Board

Exhibit E



DEPARTMENT OF CONSUMER AFFAIRS

# Contractors State License Board

## Contractor's License Detail (Other Licenses)

Contractor License #: 894938  
Contractor Name: CAL - VET SERVICES INC

Select the license name you would like to check for additional status details

| CONTRACTOR'S NAME    | LICENSED WITH              | STATUS   |
|----------------------|----------------------------|----------|
| EDWARD EMILIO IBANEZ | EDWARD IBANEZ              | Inactive |
|                      | WESTERN TRAFFIC SUPPLY INC | Active   |

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3/29/13

Personnel List - Contractor State License Board

Exhibit F



DEPARTMENT OF CONSUMER AFFAIRS

# Contractors State License Board

## Contractor's License Detail (Personnel List)

**Contractor License #:** 974188

**Contractor Name:** WESTERN TRAFFIC SUPPLY INC

*Click on the person's name to see a more detailed page of information on that person*

| NAME                                 | TITLE        | ASSOCIATION DATE | DISASSOCIATION DATE | CLASS | MORE CLASS |
|--------------------------------------|--------------|------------------|---------------------|-------|------------|
| <a href="#">EDWARD EMILIO IBANEZ</a> | RMO/CEO/PRES | 06/22/2012       |                     | C31   | More       |

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3/29/13

Check a License - License Detail - Contractors State License Board

Exhibit G  
Lot 2



# DEPARTMENT OF CONSUMER AFFAIRS Contractors State License Board

## Contractor's License Detail - License # 974188

**DISCLAIMER:** A license status check provides information taken from the CSLB license database. Before relying on this information, you should be aware of the following limitations.

- ⇒ CSLB complaint disclosure is restricted by law (B&P 7124.6) if this entity is subject to public complaint disclosure, a link for complaint disclosure will appear below. Click on the link or button to obtain complaint and/or legal action information.
- ⇒ Per B&P 7071.17, only construction related civil judgments reported to the CSLB are disclosed.
- ⇒ Arbitrations are not listed unless the contractor fails to comply with the terms of the arbitration.
- ⇒ Due to workload, there may be relevant information that has not yet been entered onto the Board's license database.

**License Number** 974188 **Extract Date** 3/29/2013

WESTERN TRAFFIC SUPPLY INC

**Business Information** Business Phone Number: (925) 249-1854

3942 VALLEY AVE UNIT M  
PLEASANTON, CA 94588

**Entity** Corporation

**Issue Date** 06/22/2012

**Expire Date** 06/30/2014

**License Status** ACTIVE

This license is current and active. All information below should be reviewed.

**Classifications**

| CLASS | DESCRIPTION                       |
|-------|-----------------------------------|
| C31   | CONSTRUCTION ZONE TRAFFIC CONTROL |
| C32   | PARKING AND HIGHWAY IMPROVEMENT   |

**Bonding**

CONTRACTOR'S BOND

This license filed a Contractor's Bond with  
AMERICAN CONTRACTORS INDEMNITY COMPANY.

**Bond Number:** 100198465  
**Bond Amount:** \$12,500  
**Effective Date:** 06/18/2012

BOARD OF QUALIFYING INDIVIDUAL

1. The Responsible Managing Officer (RMO) IBANEZ EDWARD EMLIO certified that he/she owns 10 percent or more of the voting stock/equity of the corporation.

3/29/13

Exhibit G  
2 of 2

Check a License - License Detail - Contractors State License Board

A bond of qualifying individual is not required.

Effective Date: 12/05/2012

BQ's Bond History

WORKERS' COMPENSATION

This license has workers compensation insurance with  
SECURITY NATIONAL INSURANCE COMPANY

Workers' Compensation

Policy Number: SWC1018499

Effective Date: 02/01/2013

Expire Date: 02/01/2014

Workers' Compensation History

Personnel listed on this license (current or disassociated) are listed on other licenses.

|                |                |
|----------------|----------------|
| Personnel List | Other Licenses |
|----------------|----------------|

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2415 San Ramon Valley Blvd. 4-426 San Ramon, CA 94583  
Phone 925-771-8400 Fax 925-288-1353  
CA LIC. 922431

To: Mr. John McMillan  
Deputy Division Chief

From: Brian Haber

Company: State of California Department of Transportation  
Division of Engineering Services

Date: 3/29/2013

Fax Number: (916) 227-6282

Total No. of Pages (including cover)  
13

Please see attached Bid Protest in reference to Contract  
No. 05-1C5404 05-MON-101-39.0/39.7, 42.1 Bid date  
3/20/13.

PLEASE NOTE: The information contained in this facsimile transmission is intended to be sent only to the stated recipient of the transmission and may contain information that is confidential, privileged, or otherwise protected from disclosure under applicable law. If the reader of this message is not the intended recipient or the intended recipient's agent, you are hereby notified that any dissemination, distribution, or copying of the information contained in this facsimile transmission is prohibited. You are further asked to notify us of the error as soon as possible at the telephone number shown above and to return the facsimile documents to us immediately by mail at the address shown above. Thank you for your cooperation.



April 19, 2013

Mr. John McMillan  
Deputy Division Chief  
State of California  
Department of Transportation  
Division of Engineering Services  
Office Engineer, MSC 43  
1727 30<sup>th</sup> Street  
Sacramento, CA 95816  
Office: (916) 227-6280  
Fax: (916) 227-6282

Reference: Contract No. 05-1C5404  
05-Mon-101-39.0/39.7, 42.1

Subject: Bid Protest

Dear Mr. McMillan,

On March 20, 2013, FBD Vanguard Construction, Inc. (FVC) submitted the apparent second low bid and Anozira, Inc. (ANZ) the apparent third low bid, thus having an interest in this matter. ANZ hereby protests the potential award of the above referenced Contract to FVC. We are writing to request the status of our protest as we have had no response and nothing has been posted on the Office Engineer's website since the protest letter we submitted. In addition, we would like to submit additional information that the DVBE contractor used to make the DVBE goal does not have the correct license classifications to perform the work for which he has been named and that FVC's bid should be rejected for failing to meet the DVBE goal as required.

In FVC's bid documents on the "Subcontractor List", FVC listed "Cal-Vet Services Santa Clara, CA" (CVS) for "Lane Closures & PCMS (Partial)" as well as on their subsequently submitted DVBE Listing. According to the California State License Board (CSLB) current information CVS does not currently hold a license to do traffic control work which would require a C-31 license. Edward Ibanez, as the qualifying party, is shown as the RMO of his own company, which is a different entity, on June 22, 2012. Being the RMO on his own license of a different entity would invalidate him as the qualifying party for CVS. Even considering the amount of time that the CSLB would allow for finding a replacement for the qualifying party, which is 90 days plus a 90 day extension, or 180 days. Therefore, the replacement of the qualifying party had to occur on or before December 19, 2012. CVS's would have had to have added a different qualifying party for the C-31 license by that time or they would not be able to subcontract work under that classification (C-31).

In summary CVS has been without a C-31 license since December 20, 2012, and cannot legally perform the work as listed by FVC on their subcontractor listing or their DVBE submittal. Therefore FVC did not meet the DVBE goal as they would have to perform the listed "Lane Closures & PCMS" work themselves.

Anozira, Inc.  
2415 San Ramon Valley Blvd. 4-426 San Ramon, CA 94583  
925-771-8400 Fax 925-288-1353  
LIC. 922431

As a reminder please see section 2-1.15 of the Standard Specifications stating "Meet the goal shown on the Notice to bidders".

Please feel free to contact me if there are any questions or you require any additional information.

Sincerely,  
Anozira, Inc.



Brian Haber

Anozira, Inc.  
2415 San Ramon Valley Blvd. 4-426 San Ramon, CA 94583  
925-771-8400 Fax 925-288-1353  
LIC. 922431

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

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

Apr 23 2013 04:12pm

| Fax/Phone Number | Mode   | Start      | Time  | Page | Result | Note |
|------------------|--------|------------|-------|------|--------|------|
| 919252881353     | Normal | 23:04:08pm | 3'44" | 16   | * O K  |      |

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

**DEPARTMENT OF TRANSPORTATION**  
DIVISION OF ENGINEERING SERVICES  
OFFICE ENGINEER, MS 43  
1727 30<sup>th</sup> 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'*

April 23, 2013

Facsimile: (925) 288-1353

Brian Haber, President  
Anozira, Inc.  
2415 San Ramon Valley Blvd. 4-426  
San Ramon, CA 94583

05-1C5404  
05-Mon-101-39.0/39.7, 42.1  
B.O. 03/20/2013

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Caltrans finds Anozira's protest does not have merit and will proceed to award the contract to the lowest responsible bidder.

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

Sincerely,

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

Attachment