



March 29, 2013

Mr. John McMillan
Deputy Division Chief
State of California
Department of Transportation
Division of Engineering Services
Office Engineer, MSC 43
1727 30th 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)

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925-771-8400 Fax 925-288-1353
LIC. 922431

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 Santa Clara, CA			Lane Closures & PCHS (partial)
Harbor Companies San Bernadino, CA			Grind existing pavement (partial)
Super Seal & Stripe Fillmore, CA			Striping Traffic Control Striping & Markers (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
 DES-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: 3/20/2013
 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 ²	For Caltrans Only	DVBE (Name, Telephone No., and Certification No.)	\$ Amount
2	Lane Closures		Cal-Vet Services 408-499-0088	\$ 22,950
3	PCMS		# 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.			Total Claimed Participation	\$ <u>26,050</u> <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.

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)

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

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03-28-13P01:03 R013

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. 1111002
 Contractor's License No. 844838
 Classifications: C-31

Contract: 05-1G5404	Working Days: 45
Description Hwy 101 Concrete Slab Replacement	Monterey County
Bid Date: 3/20/2013	

Item #	Item Code	Item Description	Qty.	Bid Price
2	120100	Traffic Control System 1 truck, 2 people, 1 arrow board, Cones and signs up to 8 hours truck is a fully loaded traffic control truck. To close 1 lane & ramp. (no impact truck included) Day or Night $10 \text{ (11 hr shifts)} \times \$2,190 \text{ per shift} = \$21,900$	1	\$1515.00 8Hr. Shift Mon-Fri \$225.00 Overtime Hr. 8-12 & Saturdays \$295.00 Double-Time Hr. 12 + & Saturdays
2	120100	Additional Arrowboard per shift for each additional lane. $10 \text{ shifts} \times \$105 / \text{shift} = \$1,050$	1	105.00 per shift
3	128880	Portable Changeable Message Sign (PACH) -Includes Initial programming, placement & maintenance throughout project $2 \text{ signs} \times 2 \text{ week} \times \$775 \text{ per week} = \$3,100$		\$125.00 Per Day \$775.00 Per Week \$1500.00 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	REASSOCIATION DATE	CLASS	MORE CLASS
EDWARD EMILIO IBANEZ	RMO	06/08/2011	11/01/2012	C31	
BRENT CLIFTON HAIR	RMO/CEO/PRES	04/20/2007		B	More

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3/29/13

Contractor's License Personnel Detail - Contractor State License Board

Exhibit D

Contractor's License Personnel Detail

Contractor License #: 894938

Contractor Name: CAL - VET SERVICES INC

Name: EDWARD EMILIO IBANEZ

Title and Class History		TITLE	CLASS	ASSOCIATION DATE	DISASSOCIATION DATE
	RMO		C31 CONSTRUCTION ZONE TRAFFIC CONTROL	06/08/2011	11/01/2012

Bonding History		PERCENT	SURETY COMPANY	BOND NUMBER	BOND EFFECTIVE DATE	CANCELLATION DATE
	%				06/08/2011	

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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
EDWARD EMILIO IBANEZ	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 94566

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.

CLASS	DESCRIPTION
C31	<u>CONSTRUCTION ZONE TRAFFIC CONTROL</u>
C32	<u>PARKING AND HIGHWAY IMPROVEMENT</u>

Classifications

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

Bonding

BOND OF QUALIFYING INDIVIDUAL

- The Responsible Managing Officer (RMO) IBANEZ EDWARD EMILIO 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

BQI'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.

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