



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  
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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

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