DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 30th 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!

May 2, 2013

Facsimile: (805) 473-2479

Jeffrey W. Brough, President
Brough Construction, Inc.
634 Printz Road
Arroyo Grande, CA 93420

06-0P6304
06-Ker-155-R14.0/41.0
B.O. 04/10/2013

Dear Mr. Brough:

The Department of Transportation (Caltrans) received the attached letter dated April 18, 2013, from Brough Construction, Inc. (Brough), protesting Jabre Contracting's (Jabre) DVBE Commitment. The protest alleges that Jabre failed to meet the 5% DVBE goal established for this contract. Brough requests that Caltrans find Jabre nonresponsive and award the contract to Brough.

The Office of Business and Economic Opportunity Contract Evaluation Unit conducted an evaluation of the DVBE Commitment form submitted by Jabre and has found that the goal has been met. Therefore, Caltrans finds that Brough '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

Received Apr 19 2013 03:42pm

BROUGH CONSTRUCTION, INC.
634 Printz Road
Arroyo Grande, Ca. 93420
Office (805) 489-7779 · Fax (805) 473-2479

April 18, 2013

State of California
Department of Transportation
MSC 43
Office Engineer
1727 30th Street
Sacramento CA, 95816-6282

Via Fax And US Mail

Facsimile Number 916-227-6282

Attn: John McMillan, Deputy Division Chief

RE: Bid Protest
Contract 06-0P6304
Bid Opening Date 4-10-2013

Please consider this a formal protest of the bid submitted by Jabre Contracting, in connection with Contract No.06-0P6304. Jabre bid is non responsive and therefore should be rejected based upon the Departments bidding requirements. This project had a 5% DVBE goal requirement that Jabre failed to meet .On their subcontractor list (attachment 1) Jabre listed E-Nor Innovations Inc to perform 5.2 % of bid item No. 3 or $ 5460.00 of that item .On Jabre's DVBE summary (attachment 2) that is dated 3-13-13 which was 28 days prior to this bid opening date indicates that E-Nor Innovations will be performing 5.3% of the total contract value or $25,928.00 and thus claiming that they met the 5% DVBE goal. Based upon the discrepancies between Jabre's Subcontractors list and DVBE summary it is apparent that Jabre did not meet the required 5% goal in fact Jabre only met a 1.12% overall goal .
Based upon the facts mentioned above Jabre must be deemed non responsive and the contract awarded to the lowest and responsible bidder Brough Construction Inc.

Thank you,
John Souza

Received Apr 19 2013 03:42pm

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION

SUBCONTRACTOR LIST

DES-OE-0102.2 (REV 3/2011)

Bidder Name: Sabre Contracting

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
Michels, Salem OR	13-15	100%	Cure In Place Liners
Arrow Signs, Temecula	2	95%	Arrow Signs
E-Nor Innovations	3	52%	Traffic Control (partial)

(ATTACHMENT 1)

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.

rahl

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
CERTIFIED DVBE SUMMARY
DES-OE-0102.5 (REV 3/2006)

Low Bidder

DISTRICT-COUNTY-ROUTE: 06 - Ker - 155
CONTRACT NO.: 06-0P6304
TOTAL BID: 485,531
BID OPENING DATE: 4/10/13
BIDDER'S NAME: Jabre Contracting
DVBE PRIME CONTRACTOR CERTIFICATION [1]

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
3	Traffic Control (partial)		E-Nor Innovations (310) 513-6209 #37084	25,928
	(ATTACHMENT 2)			

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	$ 25,928
	5.3 %

1. DVBE prime contractors must enter their DVBE reference number or their OBA 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).

2. 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.

[signature] 3/13/13
Signature of Bidder Date

(310) 720-0277
(Area Code) Telephone Number

Bob Collins
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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04-12-13P02:05 [illegible]

Received Apr 19 2013 03:42pm

BROUGH CONSTRUCTION, INC.
634 PRINTZ ROAD
ARROYO GRANDE, CA. 93420
OFFICE (805) 489-7779 · FAX (805) 473-2479

FACSIMILE TRANSMITTAL SHEET

To: John McMillan	From: John Souza
Fax Number: 916-227-6282	Date: 4-19-2013
COMPANY:	TOTAL NO. OF PAGES INCLUDING COVER: 4
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
Re:	YOUR REFERENCE NUMBER:

X URGENT ☐ FOR REVIEW ☑ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

ATTACHED PLEASE FIND OUR FORMAL BID PROTEST FOR CONTRACT NO. 06-0P6304 WHICH BID 4-10-13

** Transmit Conf.Report **

P.1 May 2 2013 03:55pm
CALTRANS CONTR AWARDS Fax 916-227-6282

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
918054732479	Normal	02:03:54pm	1'19"	5	* O K	

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
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Sincerely,

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

Attachment