

**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!*

March 29, 2013

Facsimile: (559) 651-2335

L.D. McClatchey, President  
Lee's Paving, Inc.  
1212 North Plaza Drive  
Visalia, CA 93291

06-0P7004  
06-Mad-145-20.9/25.4  
B.O. 02/27/2013

Dear Mr. McClatchey:

The Department of Transportation (Caltrans) received the attached letter dated March 13, 2013, from Lee's Paving, Inc. (Lee), protesting a Disadvantaged Veteran Business Enterprise (DVBE) commitment form submitted by Agee Construction Corporation (Agee). The protest alleges that Agee listed Safety Striping Service as performing 100% of bid items 1, 7, 8, and 15-20, but the DVBE commitment summary is less than 100% of the items.

The Office of Business and Economic Opportunity Contract Evaluation Unit conducted an investigation of this protest and determined that Agee met the stated DVBE goal for this contract.

Based on the finding listed above, Caltrans finds that the protest submitted by Lee has no merit and will proceed to award this contract to the lowest responsible bidder.

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

Sincerely,

Handwritten signature of John C. McMILLAN in black ink.

JOHN C. McMILLAN

Deputy Division Chief

Office Engineer

Division of Engineering Services

Attachments

# Lee's

**PAVING, INC.**

1212 N. Plaza Dr. • Visalia, CA 93291  
Phone 559/651-1337 • Fax 559/651-2335

March 13, 2013

Department of Transportation  
Office of Engineer, Division of Engineering Services  
1727 30<sup>th</sup> Street  
Sacramento, CA 95816

Re: Contract Bid #06-0P7004, Bid Protest

Dear Sir/Madam:

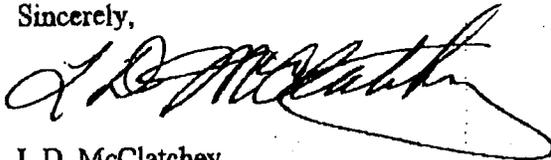
Please accept this as a formal bid protest of the first and second bidders on the above mentioned contract.

The first bidder's numbers for the DVBE does not add up with the numbers that were bid. The form says Safety Striping Service is doing 100% of items 1, 7, 8, 15 thru 20. But the DVBE summary is less than 100% of the items. The first bidder, Agee Construction, also did not enclose a copy of the listed DVBE, Safety Striping Service, quote to serve as back up for the numbers listed.

The second bidder, Windsor Fuel Company, claims non-small business preference but they claim credit for Clay Miranda Trucking, Inc. for buying and hauling A/C. But the quote that was attached shows trucking only. Also, Windsor Fuel Company claims \$14,175 from DVBE Trucking. But the quote that was attached is by the hour with no breakdown of what type of equipment or the amount of hours that were calculated to come up to the amount claimed.

Please consider this protest before you award this contract.

Sincerely,



L.D. McClatchey  
President

# Lee's Paving, Inc.

1212 North Plaza Drive  
Visalia, CA 93291  
Phone (559) 651-1337  
Fax (559) 651-2335

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## Fax Transmittal

Date: 3-13-13

To: Office Eng.

Company: Dept. of Transportation

Fax Number: 916-227-6282

From: Lee McClatchey

Number of Pages 2 Including This Cover Page

If you do not receive all of the pages please call (559) 651-1337.

Comments: Contract Bid #06-0P7004

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

P. 1

Mar 29 2013 03:31pm

CALTRANS CONTR AWARDS Fax 916-227-6282

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
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STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

**DEPARTMENT OF TRANSPORTATION**

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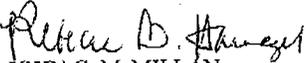
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Sincerely,

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

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