

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!*

April 26, 2013

Facsimile: (559) 896-1682

Robert J. Berry, President
R. J. Berry Jr., Inc.
P.O. Box 468
Selma, CA 93662

06-430704
06-Tul-216-1.9/2.9
B.O. 03/20/2013

Dear Mr. Berry:

The Department of Transportation (Caltrans) received the attached letter dated April 15, 2013, from R. J. Berry Jr., Inc. (R. J. Berry), protesting Granite Construction Company's (Granite) Disabled Veterans Business Enterprise (DVBE) Commitment form and Subcontractor list. The protest states that Granite listed D&B Equipment and Supplies and Global Environmental Network, Inc. on their DVBE summary and did not use them on the Subcontractor list. R. J. Berry requests that Caltrans find Granite nonresponsive.

Caltrans has reviewed Granite's bid documents and have found that they have met goal. R. J. Berry 's protest has no bearing on the award of this contract. Caltrans will proceed to award the contract to Granite.

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

Sincerely,


JOHN C. McMILLEAN

for Deputy Division Chief
Office Engineer
Division of Engineering Services

Attachment

R.J. BERRY JR., INC.

P.O. BOX 468 - SELMA, CA. 93662
BUS. (559) 896-1680 FAX (559) 896-1682
STATE LIC. #433753

April 15, 2013

State of Ca., Dept. of Transportation
Office of Engineer, Division of Engineering Services
1727 30th Street, MS 43
Sacramento, Ca. 95816

Attn: John McMillan, Deputy Division Chief

Subject: Contract No. 06-430704
Bid Protest and Subcontractor List

Dear Mr. McMillan;

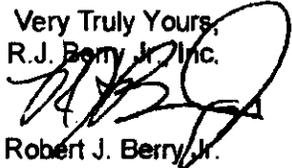
With reference to Granite Construction Company's protest dated 4/4/13 and the response from Lee's Paving, Inc. dated 4/8/13 we believe in addition to the irregularities outlined in Lee's Paving, Inc.'s letter the following irregularities exist in Granite Construction Company's bid:

1. Section 2-1.02 of the Special Provisions states the contractor must list each 1st tier DVBE Subcontractor on their Subcontractor List regardless of the percentage of the total bid. The following 1st tier DVBE's were included on the DVBE summary, but not included on the Subcontractor List:
 - D&B Equipment and Supplies
 - Global Environmental Network, Inc.

If the Department were to find Lee's Paving, Inc.'s bid non-responsive for irregularities on their Subcontractor List we believe Granite Construction Company's bid should also be considered non-responsive.

Please consider this letter our protest of Granite Construction Company's bid and request to review the above items. Thank you for your attention to this matter.

Very Truly Yours,
R.J. Berry Jr. Inc.


Robert J. Berry Jr.
President

R. J. BERRY JR., INC.
GENERAL ENGINEERING CONTRACTOR
P. O. BOX 46B SELMA, CA. 93662
STATE LICENCE #433753
559.896.1680 OFFICE
559.896.1682 FAX

TO: STATE OF CA., DEPT. OF TRANSPORTATION

DATE: 4/15/13

ATTN: JOHN MCMILLAN

FAX NUMBER: (916) 227-6282

FROM: MITCH DEFREITAS

SUBJECT: CONTRACT No. 06-430704

SR 216 REALIGNMENT & WIDENING

BID PROTEST LETTER

NUMBER OF PAGE'S (INCLUDING THIS SHEET): 2

Please see the attached bid protest letter.

Contact me with any questions.

Thank You for Your Cooperation,
Mitch DeFreitas
R.J. Berry Jr., Inc.



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

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

Apr 26 2013 02:39pm

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

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Sincerely,


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