

R.J. BERRY JR., INC.

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

April 29, 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
Granite Construction DVBE Listing

Dear Mr. McMillan:

With reference to the Department's letter dated 4/26/13 and our initial protest letter dated 4/15/13 we would like to point out that we were not protesting whether or not Granite Construction met the DVBE goal, rather that they did not list all of their first tier DVBE subcontractors.

Section 2-1.02 of the Special Provisions clearly 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 used to meet the mandatory goal and listed on the DVBE summary, but were not included on the Subcontractor List as required by Section 2-1.02:

- D&B Equipment and Supplies
- Global Environmental Network, Inc.

Without the participation of the above subcontractors Granite Construction would only have 2.48% DVBE Participation, which is less than the mandatory 3%.

We request the Department clarify why these 1st tier DVBE Subcontractor's were not required to be listed. Based on our interpretation this is in violation of the requirements of Section 2-1.02 and would make their bid non-responsive.

Thank you for your attention to this matter.

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



Mitch DeFreitas for
Robert J. Berry Jr.
President

R. J. BERRY JR., INC.

GENERAL ENGINEERING CONTRACTOR

P. O. BOX 468 SELMA, CA. 93662

STATE LICENCE #433753

559.896.1680 OFFICE

559.896.1682 FAX

TO: STATE OF CA., DEPT. OF TRANSPORTATION

DATE: 4/29/13

ATTN: JOHN MCMILLAN

FAX NUMBER: (916) 227-6282

FROM: MITCH DEFREITAS

SUBJECT: CONTRACT NO. 06-430704

SR 216 REALIGNMENT & WIDENING

DVBE LISTING LETTER

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

Please see the attached response to the Department's letter dated 4/26/13.

Contact me with any questions.

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

