

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER, MS 43

1727 30th STREET

P. O. BOX 168041

SACRAMENTO, CA 95816-8041

PHONE (916) 227-6300

FAX (916) 227-6282

TTY 711

*Flex your power!
Be energy efficient!*

February 12, 2013

Facsimile: (831) 768-4021

Brian Larinan, Estimator
Granite Construction Company
P.O. Box 50085
Watsonville, CA 95077

07-228204
07-Ven-1-22.5/22.9
B.O. 11/29/12

Dear Mr. Larinan:

The Department of Transportation (Caltrans) received the attached letter dated December 14, 2012 from Granite Construction Company (Granite Construction) protesting C.A. Rasmussen, Inc.'s (Rasmussen) bid. The protest states that Rupert Construction Supply does not perform a Commercially Useful Function. The protest also states that Rasmussen overstated its DBE commitment and thus did not meet the stated DBE goal, and that Rasmussen did not make a Good Faith Effort to meet that goal. Granite Construction requests Caltrans find Rasmussen nonresponsive and award the contract to Granite Construction.

Prior to this response, the Office of Business and Economic Opportunity's Contract Evaluation Unit (CEU) conducted a review of Rasmussen's DBE commitment efforts. CEU determined that Rasmussen did not make a Good Faith Effort (GFE) towards meeting the stated goal of 7%. A GFE Reconsideration Hearing was held and the Reconsideration Committee found that Rasmussen did not make a Good Faith Effort towards meeting the goal. Therefore, CEU did not complete an investigation of this protest.

Based on the above, Caltrans finds Granite Construction's protest has no bearing on the awarding of this contract. Caltrans will proceed to award the contract to the lowest responsible bidder provided that all requirements are met.

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

Sincerely,

A handwritten signature in black ink, appearing to read "John C. McMILLAN", written over a printed name.

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

Attachment

GRANITE

December 14, 2012

VIA FACSIMILE (916) 227-6282 AND FED-EX

Mr. John McMillan
Deputy Division Chief
State of California
Department of Transportation
Division of Engineering Services
Office Engineer, MS 43
1727 30th Street
Sacramento, California 95816-8041
(916) 227-6280

RE: Caltrans Contract No. 07-228204
Bid Opening: 11/29/2012

Dear Mr. McMillan:

On November 29, 2012, Granite Construction Company ("Granite") submitted a bid to the California Department of Transportation (the "Department") for Contract Number 07-228204 (the "Contract"). C.A. Rasmussen, Inc. ("Rasmussen") is currently the monetary low bidder and Granite is the apparent second low bidder. By this letter, Granite would like to bring to the Department's attention material defects in Rasmussen's bid. As discussed more fully below, Rasmussen's bid is non-responsive for the following reasons: (a) the entity Rasmussen claims as a Disadvantaged Business Enterprise ("DBE"), Rupert Construction Supply ("Rupert"), will not be performing a commercially useful function; (b) Rasmussen substantially overstated its DBE commitment; and consequently, (c) Rasmussen did not meet the seven percent (7%) DBE Contract goal and did not make adequate good faith efforts to meet this goal. As a result, Rasmussen's apparent low bid is non-responsive and should therefore be rejected.

Rasmussen's Did Not Meet the Contract DBE Goal and Did Not Make Adequate Efforts to Meet this Goal

The DBE Contract goal is seven percent (7%). Rasmussen claims to have met the Contract DBE goal primarily by the purchase of Steel Piling valued at \$1,775,682.68 through Rupert. However, Rupert will not be performing a commercially useful function, and thus, Rasmussen's DBE commitment was grossly overstated. Without Rupert's participation, Rasmussen's actual total claimed DBE participation is \$48,575 or merely 0.42%.

Bidders for this Contract are required to "[t]ake necessary and reasonable steps to ensure that DBEs have the opportunity to participate in the contract." (See Special Provision 2-1.02). To this end, each bidder was required to meet the 7% Contract DBE goal or demonstrate that it made adequate good faith efforts to meet that goal. (See Special Provision 2-1.02). As explained in Special Provision 2-1.02, credit for materials or supplies purchased from DBEs counts towards the goal in the following manner:

1. 100 percent counts if the materials or supplies are obtained from a DBE manufacturer.
2. 60 percent counts if the materials or supplies are obtained from a DBE regular dealer.
3. Only fees, commission, and charges for assistance in the procurement and delivery of materials or supplies count if obtained from a DBE that is neither a manufacturer or a regular dealer.

To be a regular dealer, the firm must be an established, regular business that engages (as its principal business and under its own name) in the purchase and sale/lease of the products in question. The regular dealer must have a business where the public can access it on a daily basis and must be certified to run the business. 49 CFR §26.55(e)(2)(ii). As a DBE regular dealer, the firm must have the appropriate work codes, which are assigned and verified by the DBE certification unit. The DBE must be certified by the California Unified Certification Program for the specific work category pertaining to the work performed by the DBE. The regulations state, in pertinent part, that certification to a firm is granted only for specific types of work in which the socially and economically disadvantaged owners perform.

Under governing law, an entity does not qualify as a DBE and a bidder may not obtain DBE participation credit based on that entity, unless the entity is performing a "commercially useful function." 49 CFR §26.55(c). As explained in the applicable regulations:

- (1) A DBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the DBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself. To determine whether a DBE is performing a commercially useful function, you must evaluate the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract is commensurate with the work it is actually performing and the DBE credit claimed for its performance of the work, and other relevant factors.
- (2) A DBE does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation. In determining whether a DBE is such an extra participant, you must examine similar transactions, particularly those in which DBEs do not participate.
- (3) If a DBE does not perform or exercise responsibility for at least 30 percent of the total cost of its contract with its own work force, or the DBE subcontracts a greater portion of the work of a contract than would be expected on the basis of normal industry practice for the type of work involved, you must presume that it is not performing a commercially useful function.

49 CFR §26.55(c) (emphasis added).

Notably, a broker does not perform a commercially useful function if its role is limited to being an extra participant in the transaction, contract or project. As stated in 49 CFR §26.55(e)(2)(i)(C),

"...brokers... or other persons who arrange or expedite transactions are not regular dealers..." As a result, DBE credit is not given for brokers where funds are passed through in order to obtain the appearance of DBE participation.

Consistent with these requirements, bidders are required to "describe the exact portion of item to be performed or furnished" when 100% of an item is not going to be performed or supplied by the DBE. (See DBE Commitment Form). Here, Rasmussen indicates that Rupert will "furnish Steel Soldier Pile Material (portion)" in the amount of "\$1,775,682.68 at 60% \$1,065,409.54." (A copy of Rasmussen's DBE Commitment Form and Rupert's quote and related DBE certification query is attached hereto as Exhibit A.)

Applying the foregoing legal definitions and standards, Rupert does not appear to be performing a commercially useful function, but rather, appears to be a mere extra participant in the transaction. Rupert is procuring the steel from Dominion Pipe & Piling. Both Granite, and the third apparent bidder Flatiron West, figured in their bid to procure the steel soldier piles directly from Dominion Pipe & Piling. Rupert's regular business does not include steel piling supply. (A copy of the Rupert quote sent to Granite and Flatiron on bid day, which does not identify piling a procurable resource, is attached hereto as Exhibit B.) Under the California Unified Certification Program, Rupert is only certified for the following work codes: C0698 Building Material Supplier and C0900 Bridge Deck Material Supplier, neither of which is related to steel piling. Rupert is not certified for the specific work category(ies) pertaining to the subject work, namely categories C0649 Piling Supplier or C0655 Steel Supplier. Moreover, Rupert does not appear to own and operate the necessary distribution equipment for the steel. Significantly, industry standard for steel mills is to require payment in advance, unless an existing relationship is in place or the purchaser has extensive financial resources: Rupert has neither.

Rasmussen's commitment of \$1,065,409.54 in DBE participation by Rupert is disingenuous. It is claiming DBE credit for work that Rupert is not certified to perform, that is not normal for Rupert's business services and functions, and that Rupert cannot perform with its limited resources. Rupert seems to be merely an "extra participant" in the transaction, whose participation was overstated to improperly achieve the Contract DBE goal. If allowed by the Department, Rasmussen's exaggeration of its DBE participation could create a dangerous precedent: future bidders could be motivated to likewise exaggerate DBE participation in order to claim the credit. When Rupert is properly pulled out for bid item 36 (because it is not performing a commercially useful function), Rasmussen falls significantly short of the Contract DBE goal. Without Rupert's participation, Rasmussen's actual total claimed DBE participation is 0.42%.

Moreover, Rasmussen's reliance on its overstated DBE commitment has given it the opportunity to circumvent the outreach efforts normally needed to demonstrate good faith effort to meet the DBE Contract goal. Rasmussen's inadequate efforts to meet the DBE Contract goal are highlighted by the ability of Granite and Flatiron West, Inc. to meet the 7% goal. A review of Rasmussen's good faith efforts documentation further demonstrates substandard DBE outreach. Rasmussen only reached out to thirty-four (34) firms. Rasmussen mailed the invitations to bid on November 21, 2012, the Wednesday before the Thanksgiving Holiday and only four (4) business days before bid opening. Of the firms solicited, only two (2) faxed back a response, one on November 26, 2012 and the other on November 30, 2012. Rasmussen conducted its follow-up phone calls a couple of days before bid opening, on November 27, 2012, from 2:35 p.m. to 3:44 p.m. The "Opt-In" listing on Caltrans website for 07-228204 does not appear to have been referenced or utilized. Rasmussen only placed two (2) advertisements publications, both of which were published on November 21, 2012 (the Wednesday before the Thanksgiving Holiday and only four (4) business days before bid opening). Rasmussen indicates that they contacted four (4) websites to identify potential DBEs and that all four were contacted at 3:30 p.m. on November 21, 2012. However, Rasmussen failed to provide any query criteria or results, verification if and when contact was

made, and/or the number and names of the potential DBE's identified. In sum, Rasmussen began its outreach efforts late (the earliest appears to have been November 21, 2012), conducted an insufficient search for qualified DBEs, and engaged in minimal follow-up. In contrast, Granite solicited DBEs using a variety of methods and engaging in multiple follow-up contacts. As a result, Granite was able to obtain 7.3% DBE participation.

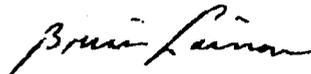
The Defects in Rasmussen's Bid Are Material

California Public Contract Code §10180 requires the Department to award its construction contracts to the lowest responsive bidder via competitive bidding. "A basic rule of competitive bidding is that bids must conform with the specifications, and that if a bid does not so conform, it may not be accepted." *Konica Business Machines USA, Inc. v. Regents of University of California* (1988) 206 Cal. App. 3d 449, 454. "The purpose of requiring governmental entities to open the contracts process to public bidding is to eliminate favoritism, fraud and corruption; avoid misuse of public funds; and stimulate advantageous market place competition. (See legis. intent declared in Pub. Cont. Code, § 10300; [citations].) A bid that does not strictly conform to the call for bids cannot be accepted if the variance could have affected the amount of the bid or given the bidder an advantage or benefit not allowed other bidders. In other words, a public agency can only waive a deviation from bid specifications that is inconsequential and not material. A bid containing a material deviation must be rejected as non-responsive. See 47 Ops. Cal. Atty. Gen. 129, 130 (1966); *Konica, supra*, 206 Cal. App. 3d at 454; see also *Valley Crest Landscape, Inc. v. City Council* (1996) 41 Cal. App. 4th 1432. Factors considered in determining whether a deviation is a minor irregularity or material departure include whether the deviation could be a vehicle for favoritism, affect the amount of the bid, influence potential bidders to refrain from bidding, or affect the awarding entity's ability to make bid comparisons. *Konica, supra*, 206 Cal. App. 3d at 455.

In this case, Rasmussen's violations of the Department's Bid Specifications and governing DBE regulations created an advantage for Rasmussen not available to other bidders. The defects in its bid enabled Rasmussen to claim more DBE participation than that to which it was entitled and to avoid the outreach typically required to demonstrate good faith efforts to obtain DBE participation.

In sum, Rasmussen failed to satisfy the mandates contained in specifications, significantly overstated its DBE participation and made inadequate efforts to reach out to DBE subcontractors and suppliers. Such defects are material, give Rasmussen a competitive advantage over other bidders, and render Rasmussen's bid non-responsive. Because Granite submitted the low, responsive and responsible bid, it should be awarded the Contract.

Respectfully Submitted,



Brian Larin
Estimator

Attachments: Exhibit A - Rasmussen's DBE Commitment Form and
Rupert's quote and related DBE certification query
Exhibit B - Rupert quote sent to Granite and Platiron on bid day

EXHIBIT "A"

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
CALTRANS BIDDER - DBE - COMMITMENT
DES-OE-0182.108 (NEW 08/2012)

Low Bidder

This information may be submitted with your bid proposal. If it is not, and you are the apparent low bidder or the second or third low bidder, it must be submitted and received as specified in Section 2 of the Special Provisions. Failure to submit the required bid information will be grounds for treating the proposed response as non-responsive.

CONTRACT NO: **07-228204**

BID AMOUNT: **\$ 11,324,300.00**

BID OPENING DATE: **11/29/2012**

BIDDER'S NAME: **C. A. Rasmussen, Inc.**

DBE GOAL FROM CONTRACT, %: **7%**

DBE PRIME CONTRACTOR CERTIFICATION:

CONTRACT ITEM NO.	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED	FOR CALTRANS USE ONLY	NAME OF DBE (Must be verified on the date bid is opened - include business certification #, DBE address and phone number) (Include 2nd word lower for subcontractors)	DOLLAR AMOUNT DBE
36 (portion)	Furnish Steel Soldier Pile Material (portion)		Rupert Construction Supply 3841 Park Dr. Ste. 20-487 El Dorado Hills CA 94510 (925) 228-5577 CUCP #32785	(\$1,775,882.68 at 60%) \$1,065,409.64
14,16,45,48, 50,51,52 (portion)	Traffic Control System (portion); Striping & Pavement Marking (portion); Parking Bumper (precast concrete) (portion)		Super Seal & Signs PO Box 755 Fresno, CA 93206 (805) 824-7345 CUCP #2003	\$18,799.00
34 (portion)	Furnish Asphalt Oil		E.M. Oil Transport, Inc. 1145 South Taylor Avenue Montebello, CA 90640 323-722-8088 CUCP #10447	(\$57,981.00 at 60%) =\$34,778.00

IMPORTANT: Identify all DBE firms being claimed for credit, regardless of the Name of the Prime Bidder (Subcontractors and their respective items) of work that shall remain the combined, where applicable, with the name and items of work in the "Subcontractor List" submitted with your bid. Copies of the DBE queries are required.

- DBE prime contractors must enter their certification number and indicate all work to be performed by DBEs including work performed by its own forces.
- If 100% of item is not to be performed or finished by DBE, describe exact portion of item to be performed or finished.
- See Section titled "Disadvantaged Business Enterprises" in Section 2 "Bidding" of the special provisions to determine the credit allowed for DBE firms.

Submit to:

MBC 43
OFFICE ENGINEER
DEPARTMENT OF TRANSPORTATION
1727 39TH STREET
SACRAMENTO, CA 95816-7008

Total Bidder Participation

\$1,118,984.64

9.84 %

Signature of Bidder

12/4/2012

Date

(661)367-8040
(Area Code) Tel. No.

Doug Misley, Vice President

Printed Name

(Please Type or Print)

ADA Notice

For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 864-6419 or TDD (916) 864-3880 or visit Records and Forms Management, 1120 N Street, MS-08, Sacramento, CA 95814.

12-05-12A01:33 RCVD

Contract No. 07-228204



EXHIBIT "A"

Handwritten notes: "11.11.12" and "RPA as"

UDBE Certified, #CT-032785
CA SBE Certified, #28807

Quotation

TO: CA Rasmussen
Attn.: Doug M.
JOB: Caltrans
JOB #: 07-228204

Fax:
Ph:

Bid Date: 11-29-12

Date: 11-29-12

Quantity	Details	Unit	Total
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3,704,220 lbs W24x117 steel soldier pile (31,880 M)
Per A992, Length 62.33'

\$0.3928

\$1,455,388.04

7.5% tax

109,150.00

3,704,220 lbs Rail and truck freight to coater

\$0.0670

\$211,140.54

285,000

2484.00

4/11

Material price subject to market conditions.

Pricing based on mill rolling and subject to mill terms and schedules

1,775,652.00

X 60%

\$1,065,409.50

Actual quantities are the responsibility of the contractor.

Redacted box

Delivery:

Sales Tax Not Included

F.O.B.:

Terms: Net 30 days

3941 Park Dr., Ste. 20-487, El Dorado Hills, CA 95762 - Yard: 885 Teal Dr., Benicia, CA 94510

Valid for: 30 days

925-229-8877 ph.

karen@rupertsupply.com

Sincerely, Karen Wonnemberg

Back To Query Form

EXHIBIT "A"

Search Returned 1 Records

Tue Dec 04 14:44:58 PST 2012

Query Criteria

Firm/DBA Name: RUPERT

Firm Type: DBE

Firm ID	32785
Firm/DBA Name	RUPERT CONSTRUCTION SUPPLY, LLC
Address Line1	886 TEAL DR
Address Line2	
City	BENICIA
State	CA
Zip Code1	94510
Zip Code2	
Mailing Address Line1	3941 PARK DR., STE. 20-487
Mailing Address Line2	
Mailing City	EL DORADO HILLS
Mailing State	CA
Mailing Zip Code1	95782
Mailing Zip Code2	4549
Certification Type	DBE
E-Mail	karen@rupertsupply.com
Contact Name	KAREN WENNENBERG
Area Code	(925)
Phone Number	228-5677
Fax Area Code	(916)
Fax Phone Number	873-9737
Agency Name	DEPARTMENT OF TRANSPORTATION
Counties	00;
Districts	00;
DBE NAICS	444190;

ACDBE NAICS

Work Codes	C0900 BUILDING MATERIAL SUPPLIER; C0900 BRIDGE DECK MATERIALS SUPPLIERS;
Licenses	
Trucks	
Gender	F
Ethnicity	CAUCASIAN
Firm Type	DBE

Back To Query Form

12/14/2012 4:10PM FAX

Received

Dec 14 2012 03:06pm

0009/0013

11/29/2012 12:06 AM

From: Rupert Construction Supply, LP / (925) 269-2861 To: 18059671431

1 of 5

EXHIBIT "B"

FAX

TO: GRANITE CONSTRUCTION - SANTA BARBARA

FAX NUMBER: (805) 967-1431

FROM: RUPERT CONSTRUCTION SUPPLY

FAX NUMBER:

DATE: 11/29/2012 12:05 AM

REGARDING: 07-228204 - VENTURA

PHONE NUMBER FOR FOLLOW-UP:

COMMENTS:

ESTIMATOR

| |



EXHIBIT "B"

UDBE Certified, #CT-032785

Quotation

TO: Estimator Fax: Bid Date: 11-29-12
 Attn.: Ph: Date: 11-28-12
 JOB: Replace Seawall And Repair Shoulder / Ventura
 JOB #: 07-228204

Quantity	Details	Unit	Total
720 sf	Pattern #1107 Mission Flute ELASTOSPEC Urethane-Std 360.00" x 48.00" Panels. Custom wave panels - Two 15 ft. mating wave panels - 1-1/2" depth, 2" C-C, 3/4" valley, 3/4" peak Fractured Fin pattern. Solid urethane bonded to 3/4" plywood. <i>Total number of parts = 6</i> Estimated production schedule: 6-8 Weeks from order confirmation	\$25.80 Artwork/Tooling	\$18,572.40 \$4,646.40
720 sf	Pattern #1107 Mission Flute ELASTOSPEC LITE Semi-Elastomeric 360.00" x 48.00" Panels. Custom wave panels - Two 15 ft. mating wave panels - 1-1/2" depth, 2" C-C, 3/4" valley, 3/4" peak Fractured Fin pattern. Six sets. Semi-Elastomeric material - unbonded. <i>Total number of parts = 6</i> Estimated production schedule: 6-8 Weeks from order confirmation	\$15.73 Artwork/Tooling	\$11,325.60 \$4,646.40
3 ea	9FR04 Spec Form Release Pail <i>Total number of parts = 3</i>	\$105.60	\$316.80

Prices listed do not include field service

Additional items available for purchase. Please refer to attached line card for product information.

Actual quantities are the responsibility of the contractor.

Total: \$39,507.60

Sales Tax Not Included

Delivery:

F.O.B.: Ship Point

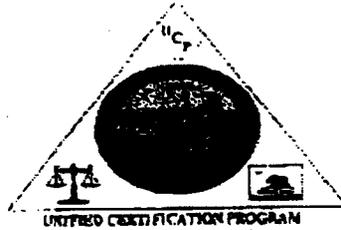
Terms: Net 30 days

Pricing valid through March 31, 2013

3941 Park Drive, Suite 20-467, El Dorado Hills, CA 95762-4549/Yard: 865 Teal Dr., Benicia, CA 94610

925-408-3827 ph 925-269-2861 fax.

Sincerely, Stacy Monroe
stacy@rupertsupply.com



THIS CERTIFIES THAT

<u>Rupert Construction Supply, LLC</u>	<u>32785</u>	<u>December 9, 2008</u>	<u>January 1, 2014</u>
Firm Name	File No.	Renewed Date	Review/Renewal Date

IS APPROVED BY
THE CALIFORNIA UNIFIED CERTIFICATION PROGRAM (UCP)
AS A DISADVANTAGED BUSINESS ENTERPRISE (DBE)
AS DEFINED BY THE U.S. DEPARTMENT OF TRANSPORTATION (DOT)
49 CFR, PART 26, AS MAY BE AMENDED,
FOR THE FOLLOWING WORK CATEGORY CODES:

444190 - Other Building Material Dealers

Janet Madrigal
Janet Madrigal, Civil Rights Administrator

Central Contra Costa Transit Authority
Certifying Agency



General Services

RUPERT CONSTRUCTION SUPPLY LLC - #28807

SUPPLIER PROFILE

Legal Business Name	RUPERT CONSTRUCTION SUPPLY LLC		
Doing Business As	RUPERT CONSTRUCTION SUPPLY LLC		
Address	301 Castle Creek Ct MARTINEZ, CA 94553	Phone	(925) 229-5577
		FAX	(925) 370-0665
Email	RUPERT925@comcast.net		
Business Types	Non-Manufacturer		
Service Areas	Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Imperial, Inyo, Kern, Kings, Lake, Lassen, Los Angeles, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Orange, Placer, Plumas, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Ventura, Yolo, Yuba.		
Keywords	BEARING PADS NEOPRENE PIPE CONDUIT WATERPROOFING BARRIER RAIL SOFFIT ACCESS COVERS DECK DRAINAGE EXPANSION JOINTS ADHESIVE FABRICATED METALS STEEL WATER SUPPLY LINE NPS3 NPS DUCTILE IRON PIPE RUBBER SHEET HAND RAIL GUARD RAIL WELDED STEEL PIPE GRATES IRR		
Classifications	111715 - Basic steels 111915 - Metal solids 131016 - Processed and synthetic rubber 261215 - Electrical wire 261216 - Electrical cable and accessories 301022 - Plate 301025 - Sheet 301032 - Grating 313214 - Welded or brazed bar stock assemblies 391317 - Wire Raceways Conduit and Busways 401421 - Pipe 731019 - Rubber production		

Active Certifications

TYPE	STATUS	FROM	TO
SB (Micro)	Approved	Jan 12, 2011	Jan 31, 2013

Certification History

TYPE	STATUS	FROM	TO
SB (Micro)	Expired	Feb 11, 2009	Feb 28, 2011
SB	Denied	Oct 31, 2002	Oct 31, 2002

Rupert

Construction Supply

UDBE

Certified Regular Dealer
#CT-32785

WBE/SBE (California/Federal Govt./PUC certified)

Dear Customer,

Please refer to the following list of the type of products we supply for the heavy civil construction market along with other job specific items. We realize that construction is a very price competitive market and are pleased to offer the following materials at factory direct prices:

Bearing Pads: Laminated, PTFE or Plain	Spherical Bearings
Silicone Grease: for Bearing Pads	Contact Adhesive: Caltrans approved
Galvanized Rigid/PVC Conduit	Ready Mix Concrete
Welded Steel Pipe: Coated, Lined or Plain	Polyester Concrete/Methacrylate
Casing Pipe	Misc. Construction Materials
Ductile Iron Pipe	Dowels
Bridge Deck Drainage Systems	Timber Lagging
Misc. Metals/Cable Restrainers	HDPE Shims
Soffit Access Covers/Grates/Barrier Rail	Landscaping Material
Expansion Joint Seals	Welded Wire Mesh
Grated Line Drains, Waterproofing	Pipe Key-Shear Key
Grout	Anchor bolts
Irrigation Materials	Formliner
Concrete Forms	Reinforced Concrete Pipe and Manholes
NPS Water Supply Line: 2"-6" system	Water Meters
Electrical Supplies	Epoxy
Precast Concrete Items: Pipe Supports-Benches-Signs-Tables-Bollards, etc.	

We offer excellent customer service and years of experience in the construction materials industry and we look forward to getting you the products you need when you need them.

Mail: 301 Castle Creek Ct., Martinez, CA 94553 (925)229-5577 ph., (925)370-0665 fax
Yard: 870 Teal Dr., Benicia, CA 94510
rupertsupply@gmail.com



Santa Barbara Branch
P.O. Box 6744
Santa Barbara, CA. 93160
805-964-9951

Fax Transmittal

DATE: 12/14/2012

SENT TO: JOHN McMILLAN FAX NO. 916/227-6280
DEPUTY DIVISION CHIEF

NUMBER OF PAGES (INCLUDING COVER) 13

COMMENT: BID PROTEST 07-228204 BID DATE 11/29/2012

Santa Barbara Branch
5335 Debbie Rd.
Santa Barbara, CA. 93111
Phone 805-964-9951
Fax 805-964-7661

TRANSMISSION VERIFICATION REPORT

TIME : 02/13/2013 08:37
NAME : CONTRACT & AWARDS
FAX : 9162276282
TEL : 9162276282
SER. # : BROK4J974370

DATE, TIME	02/13 08:32
FAX NO./NAME	918317684021
DURATION	00:05:18
PAGE(S)	14
RESULT	OK
MODE	STANDARD

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 30th STREET
P. O. BOX 168041
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6300
FAX (916) 227-6282
TTY 711



*Flex your power!
Be energy efficient!*

February 12, 2013

Facsimile: (831) 768-4021

Brian Larinan, Estimator
Granite Construction Company
P.O. Box 50085
Watsonville, CA 95077

07-228204
07-Ven-1-22.5/22.9
B.O. 11/29/12

Dear Mr. Larinan:

The Department of Transportation (Caltrans) received the attached letter dated December 14, 2012 from Granite Construction Company (Granite Construction) protesting C.A. Rasmussen, Inc.'s (Rasmussen) bid. The protest states that Rupert Construction Supply does not perform a Commercially Useful Function. The protest also states that Rasmussen overstated its DBE commitment and thus did not meet the stated DBE goal, and that Rasmussen did not make a Good Faith Effort to meet that goal. Granite Construction requests Caltrans find Rasmussen nonresponsive and award the contract to Granite Construction.

Prior to this response, the Office of Business and Economic Opportunity's Contract Evaluation Unit (CEU) conducted a review of Rasmussen's DBE commitment efforts. CEU determined that Rasmussen did not make a Good Faith Effort (GFE) towards meeting the stated goal of 7%. A GFE Reconsideration Hearing was held and the Reconsideration Committee found that Rasmussen did not make a Good Faith Effort towards meeting the goal. Therefore, CEU did not complete an investigation of this protest.

Based on the above, Caltrans finds Granite Construction's protest has no bearing on the