

**DEPARTMENT OF TRANSPORTATION**

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER

P.O. BOX 168041, MS-43

SACRAMENTO, CA 95816-8041

PHONE (916) 227-6299

FAX (916) 227-6282

TTY 711

www.dot.ca.gov



*Serious drought.  
Help save water!*

December 22, 2014

Facsimile: (925) 671-7120

Michael G. Porteous, Owner  
MGP Construction  
Post Office Box 355  
Upland, CA 91785

07-2W5404  
07-Ker-5725  
B.O. 10/15/14

Dear Mr. Porteous:

The Department of Transportation (Caltrans) received a letter dated December 11, 2014 from MGP Construction (MGP), protesting the award of the above contract to GEMS Environmental Management Services, Inc's (GEMS). The protest alleges that GEMS listed Anchor Supply, on its Disabled Veteran Business Enterprises (DVBE) Summary form as a material supplier and Anchor Supply does not meet the requirements of the Military & Veterans Code 999, et seq., to be certified a DVBE Supplier. The protest further states that Anchor list no physical address and does not have inventory, which is described as an extra participant in the transaction. Therefore, its participation should be disallowed.

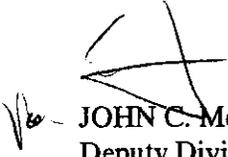
The Office of Business and Economic Opportunity, Contract Evaluation Branch (CEB) has evaluated GEMS DVBE documents and certified the participation for Anchor Supply.

As you are aware, Caltrans does not certify DVBE's, although, it can initiate a review of the DVBE's ability to provide a commercial useful function. By this letter, Caltrans will forward your concerns to the Office of Business and Economic Opportunity, Office of Certification, for review.

Therefore, based on the above, Caltrans will proceed to award this contract to the lowest responsible bidder, provided that all requirements have been met.

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

Sincerely,

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

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

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CALTRANS CONTR AWARDS Fax 916-227-6282

Dec 22 2014 01:49pm

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STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

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Sincerely,

A handwritten signature in black ink, appearing to read "John C. McMILLAN".

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