

MGP CONSTRUCTION

P.O. BOX 355, UPLAND, CA 91785

BID/AWARD PROTEST

VIA FACSIMILE (919)227-6282

October 27, 2014

Department of transportation
Division of Engineering Services
Office Engineer, MS 43
P.O. Box 168041
Sacramento, CA 95816-8041

Project: **Contract Number 07-2W5404 07-KER-5725**
Project ID: **0713000206**

Dear Sir/Madame:

MGP Construction hereby submits our request to extend award period if necessary.

MGP Construction also submits our written protest to contract No. 07-2W5404 being awarded to GEMS Environmental Management Services, Inc. Apparent low bidder.

In the performance of our due diligence and relying on the Post-Bid information you have posted, MGP Construction feels that it should be considered the lowest responsive and responsible bidder and that GEMS Environmental Management Services, Inc. must be considered non responsive for the following reasons:

GEMS Environmental Management Services, Inc. has failed to properly complete and submit the Certified DVBE Summary form as required in the contract special provisions section 2-1.15 and section 2-1.33.

- The DVBE Summary form states in part "if 100% of an item is not performed or supplied by the DVBE, Describe the **exact part**, including the planned location of the work to be performed, of item to be performed **or supplied by DVBE**"

In completion of the DVBE Summary form GEMS Environmental Management Services, Inc. fails to describe what exact part is being supplied by (Anchor Supply, Inc.) the listed DVBE. Responding to the question "Description of Work to be subcontracted to DVBE or Materials to be supplied by DVBE "with "Materials Supplier"

Special provisions Section 2-1.33 states in part "Failure to submit the forms and information as specified results in a nonresponsive bid"

- Special provisions, section 2-1.15A states in part "comply with Mil & Vet Code 999 et seq." and Special provisions, section 2-1.15B states in part "meet the goal shown on notice to bidders" on this contract it is 3%

Mil & Vet Code 999 states in part that a DVBE Contractor, subcontractor, or supplier performs a "commercially useful function" which it defines as a person or entity that does all of the following:

- Is responsible for the execution of a distinct element of the work of the contract.
- Carries out the obligation by actually performing, managing, or supervising the work involved.
- Performs work that is normal for its business services and functions.
- Is responsible, with respect to products, inventories, materials, and supplies required for the contract, for negotiating price, determining quality and quantity, ordering, installing if applicable, and making payment.
- Is not further subcontracting a portion of the work that is greater than that expected to be subcontracted by normal industry practices.
- A contractor, subcontractor, or supplier **will not** be considered to perform a "commercially useful function" if the contractors, subcontractors, or supplier's 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 a disabled veteran business enterprise participation.

GEMS Environmental Management Services, Inc. has listed as their DVBE material supplier Anchor supply, Inc. which, (according to their certification) lists no physical address (only P.O. Box) and list a web page that, (When we tried to verify was a site trying to sell a domain name) as providing \$46,890.17 (exactly 3% of contract amount) worth of an unspecified material.

This does not satisfy the above criteria of the Mil & Vet code or comply with Material terms of the bidding documents and the bid must be rejected as nonresponsive.

Thank you for your consideration.

Sincerely,



Robert Andrade

Project coordinator

MGP Construction, office (909) 982-2364, cell (909)636-3588

E-mail robandrade@verizon.net

Attachments:

- DVBE Bid Summary
- Anchor Supply, Inc. certification
- Copy of Suppliers Web Page

In bid book

Low Bidder

DISTRICT-COUNTY-ROUTE: 07-Ker-5725
TOTAL BID: 1,563,005.66
BID OPENING DATE: 10-15-14
DVBE PRIME CONTRACTOR CERTIFICATION:

Submit to:

MSC 43
Office Engineer
Department of Transportation
1727 30th Street
Sacramento, CA 95816-7005

Names of first tier DVBE subcontractors and their items of work listed must be consistent with the names and items of work in the Subcontractors List (Pub Cont Code ♦ 4100 et seq.) submitted with the bid. Identify second and lower tier subcontractors on this form.

If 100% of an item is not performed or supplied by the DVBEs, describe the exact part, including the planned location of work to be performed, of item to be performed or supplied by DVBE.

Total Claimed Participation \$ 46,890.17
% 3.00

Contact Person:

(Type or Print)

(Area Code) Telephone Number:

Signature of Bidder

Date

Contract No. 07-2W5404

Page 11

Bid Item Number:

5

Description of Work to Be Subcontracted to DVBE or Materials to be Supplied by DVBE:

Materials supplier
FOR CALTRANS USE ONLY

DVBE Name: Anchor Supply, Inc.
DVBE Telephone Number: (916) 372-2456
DVBE Certification Number: 1737337
\$Amount: 46,890.17

Bid Item Number:

Description of Work to Be Subcontracted to DVBE or Materials to be Supplied by DVBE:

FOR CALTRANS USE ONLY

DVBE Name:
DVBE Telephone Number:
DVBE Certification Number:
\$Amount:

Bid Item Number:

Description of Work to Be Subcontracted to DVBE or Materials to be Supplied by DVBE:

FOR CALTRANS USE ONLY

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DVBE Telephone Number:
DVBE Certification Number:
\$Amount:

Bid Item Number:

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\$Amount:

Bid Item Number:

Description of Work to Be Subcontracted to DVBE or Materials to be Supplied by DVBE:

FOR CALTRANS USE ONLY

DVBE Name:
DVBE Telephone Number:
DVBE Certification Number:
\$Amount:

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 07-2W5404 Project ID: 0713000206

Bidder Name: GEMS Environmental Management Services, Bidder ID: VC0000009383

CERTIFIED DVBE SUMMARY

DES-OE-102.5 (REV 3/2008)

Bid Item Number:

Description of Work to Be Subcontracted to DVBE or Materials to be Supplied by DVBE:

FOR CALTRANS USE ONLY

DVBE Name:

DVBE Telephone Number:

DVBE Certification Number:

\$Amount:

DVBE prime contractors must enter their DVBE reference number or their DBA name as listed with Department of General Services (DVBE prime contractors are credited with 100 percent DVBE participation and need not complete the above table).



General Services

Anchor Supply Inc - #1737337

SUPPLIER PROFILE

Legal Business Name Anchor Supply Inc

Doing Business As Anchor Supply Inc

Address PO Box 493 Phone (916) 372-2456
 WEST SACRAMENTO, CA 95691 FAX (916) 372-3960

Email anchorsupply@msn.com

Web Page <http://www.anchorsupplycompany.com>

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 Francisco, 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 SAFETY GLASSES HARD HATS PROTECTIVE CLOTHING INDUSTRIAL SUPPLIES BOLTS NUTS SCREWS MOTORS HAND TOOLS LIGHTING ELECTRICAL FUSES PUMPS ABRASIVES BATTERIES JANITORIAL WELDING PAINTS BRUSHES AIR FILTERS V-BELTS PIPE FITTINGS HARDWARE DOOR MAINTENANCE SUPPLIES

- Classifications
- 232414 - Metal grinding machines
 - 232415 - Metal cutting machines
 - 232416 - Metal cutting tools
 - 232417 - Metal deburring machines
 - 232418 - Metal drilling machines
 - 232419 - Metal boring machines
 - 232421 - Metal cutting machine attachments
 - 232426 - Specialized or miscellaneous metal cutting machines
 - 232714 - Welding machinery
 - 232715 - Brazing machinery
 - 232716 - Soldering machines
 - 232717 - Welding and soldering and brazing accessories
 - 232718 - Welding and soldering and brazing supplies
 - 232915 - Industrial drilling tools
 - 232916 - Industrial milling tools
 - 232917 - Industrial reaming tools
 - 232918 - Industrial threading tools
 - 232919 - Industrial boring tools
 - 241015 - Industrial trucks
 - 241016 - Lifting equipment and accessories
 - 241019 - Drum handling equipment
 - 241021 - Warehousing equipment and supplies
 - 271115 - Cutting and crimping and punching tools
 - 271116 - Forming tools
 - 271117 - Wrenches and drivers
 - 271118 - Measuring and layout tools
 - 271119 - Rough and finishing tools
 - 271120 - Agriculture, forestry and garden handtools
 - 271121 - Holding and clamping tools
 - 271122 - Masonry and concrete tools
 - 271123 - Marking tools
 - 271124 - Fastener setting tools
 - 271125 - Prying and bending tools
 - 271126 - Sealing tools
 - 271127 - Power tools
 - 271128 - Tool attachments and accessories

- 271129 - Dispensing tools
- 271130 - Brushes
- 271131 - Pulling tools
- 271132 - Tool kits
- 271133 - Precision hand tools
- 312119 - Paint applicators and painting accessories
- 391016 - Lamps and lightbulbs
- 391018 - Lamp components and accessories
- 391019 - Lamp Ballasts and Lamp Transformers
- 391115 - Interior lighting fixtures and accessories
- 391116 - Exterior lighting fixtures and accessories
- 391117 - Emergency lighting and accessories
- 391118 - Lighting accessories
- 391119 - Special environment fixtures and accessories
- 391120 - Portable and Temporary Lighting and accessories
- 391121 - Optical lighting
- 391315 - Wire Markers and Wire Marking Devices
- 391316 - Wire protection devices
- 391317 - Wire Raceways Conduit and Busways
- 441221 - Fastening supplies
- 461715 - Locks and security hardware and accessories
- 461716 - Surveillance and detection equipment
- 461815 - Safety apparel
- 461816 - Safety footwear
- 461817 - Face and head protection
- 461818 - Vision protection and accessories
- 461819 - Hearing protectors
- 461820 - Respiratory protection
- 461823 - Fall protection and rescue equipment
- 461824 - Decontamination aids and safety cleaning equipment
- 471015 - Water treatment and supply equipment
- 471016 - Water treatment consumables
- 471215 - Cleaning and janitorial carts and accessories
- 471216 - Floor machines and accessories
- 471217 - Waste containers and accessories
- 471218 - Cleaning equipment
- 471219 - Cleaning equipment accessories
- 471316 - Brooms and mops and brushes and accessories
- 471317 - Restroom supplies
- 471318 - Cleaning and disinfecting solutions
- 471321 - Cleaning kits
- 721015 - Building maintenance and repair services
- 721029 - Facility maintenance and repair services
- 721031 - Conveyance systems installation and repair
- 721517 - Safety and security system installation services
- 721518 - Machine installation and maintenance and repair services
- 721524 - Window and door installation and erection services
- 721540 - Specialty building and trades services

Active Certifications

TYPE	STATUS	FROM	TO
SB (Micro)	Approved	Apr 10, 2012	Apr 30, 2016
DVBE	Approved	Apr 10, 2012	Apr 30, 2016

Certification History

TYPE	STATUS	FROM	TO
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**M.G.P CONSTRUCTION
FAX TRANSMITTAL**

DATE:	10/27/2014		
TO:	BID AWARD PROTEST	FROM:	MGP CONSTRUCTION ROBERT ANDRADE
FAX:	(916)227-6282	FAX:	909-982-8663
TEL:		TEL:	909-982-2364
CC:		PAGES:	10 Including cover

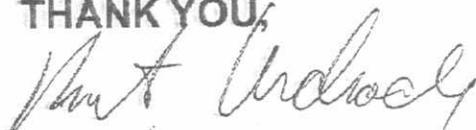
COMMENTS:

DEAR SIR/MADAME

**PLEASE FIND ATTACHED:
BID AWARD PROTEST
CONTRACT # 07-2W5404, 07-KER-5725
PROJECT ID:0713000206**

THE ORIGINAL WILL BE MAILED TODAY 10/27/14

THANK YOU,


ROBERT ANDRADE