

**DEPARTMENT OF TRANSPORTATION**

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER

1727 30th STREET, MS-43

P.O. BOX 168041

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PHONE (916) 227-6299

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www.dot.ca.go



Serious drought.  
Help save water!

March 22, 2016

Facsimile: (951) 776-9174

Diana Hanna, President  
J. Francis Company, Inc.  
16197 Krameria Ave.  
Riverside, CA 92504

07-2W6404  
07-LA-10-20.2/23.6  
B.O. 2/17/2016

Dear Ms. Hanna:

The Department of Transportation (Caltrans) received a letter dated March 8, 2016, from J. Francis Company, Inc. (J. Francis), protesting the bid submitted by O'Donnell Construction, Inc. (O'Donnell) for the above referenced contract. The protest alleges that J. Francis is eligible for the Disabled Veterans Business Enterprises (DVBE) incentive since the DVBE participation claimed is 6.20 percent, which is more than O'Donnell's DVBE participation of 5.5 percent. In addition, J. Francis is protesting that O'Donnell failed to indicate its Small Business Preference at the time of bid.

Caltrans has reviewed the protest and determined that the DVBE incentive does not apply to this project since the contract goal is 5 percent and the maximum DVBE incentive cannot exceed 5 percent of the verified total bid. The Office of Business and Economic Opportunity, Contract Evaluation Branch evaluated and approved the DVBE Summary submitted by O'Donnell; therefore, met the contract goal.

With regards to the Small Business Preference, Caltrans has determined that this is an inadvertent clerical error and does not agree that the error provides an unfair advantage to O'Donnell since O'Donnell's Small Business certification was prior to bid opening.

Based on the above, Caltrans finds J. Francis' protest lacks merit and will proceed to award the contract to the lowest responsive bidder, provided all requirements have been met.

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

Sincerely,

A handwritten signature in cursive script that reads "Jeff DeFevere".

JEFF DEFEVERE

Office Chief

Office Engineer, Construction Contract Awards

Division of Engineering Services

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

P.1  
CAL/TRANS PLANS COUNTER

Mar 22 2016 09:28am

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STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

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JEFF DEFEVERE  
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