



RSB Group, Inc.

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 Office#: 949-454-1999 Fax#: 949-454-1888
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5/23/16

VIA FACSIMILE (916)227-6282 & U.S. MAIL ONLY

Jill Y. Sewell, Office Chief
 State of California Dept. of Transportation
 Division of Engineering Services
 1727 30th St. Sacramento, CA 95816

Reference: Bid Protest on Contract number 08-OR4404 Vegetation Control

Dear Ms. Jill Sewell,

In response to the letter faxed to your office on 5-16-16 by Highland Construction, Inc., please see below our response to their protest letter:

- Improper listing of Gates Enterprises:
 1. There is no basis for this claim by Highland.
 2. Gates has a C12 Earthwork contractor license which is the appropriate class of license for doing excavating and grading work for this contract.
 3. Gates Enterprises is listed on the DBE website as doing business in many Caltrans Districts including the San Bernardino (Dist. 08)
 4. Gates Enterprises Work Class Codes C1901 which is for Roadway Excavating.
 5. There is no separate bid item for roadway excavation and is included in the bid item #15 vegetation control (minor concrete) QTY= 11,800 SQYD
 6. Contrary to the claim by Highland the entire area for placement of vegetation control concrete material needs to be excavated and compacted to 95% prior to placement of concrete. Please see section 83-1.02B(1)(c)(ii) Earthwork of the Special Provisions for the construction of the Vegetation Control. Since Highland bid the job they should be very familiar with the amount of excavation under the guard railing which is substantial. The amount of dirt under the railing that needs to be excavated to a depth of 2 inches is approximately. $\{(2" / 12) \times (11800 \text{ Sqyd} \times 9) / 27 = 655 \text{ Yd}^3; 655 \text{ Cubic Yards}$ that needs to be excavated and disposed. This amount of excavation is approximately 65 Super10 Truck loads of Dirt.

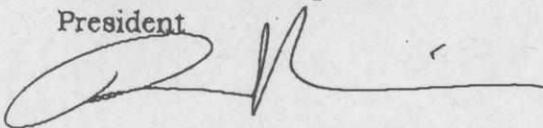
In Conclusion to this claim no matter how Highland tries to misrepresents the facts, Gates Enterprise participation in this contract is fully justified for their type of work and trade and licenses they poses.

- Suspicious DBE Participation:

1. Due to amount of work in October 2015 which is about 5 months prior to the bid date for this contract Gates did not bid a job outside of LA and OC. Every subcontractor has a right to bid whatever jobs they desire to bid or not to based on their workload, type of job, etc.
2. Furthermore, Highland Claim that they contacted Gates Enterprise and were told that they did not bid this contract and they had no knowledge of their own quotation for this contract. This is absolutely Ludicrous. Please note that signed Gates Enterprises quotation was included in our DBE Submittal that was sent to Caltrans immediately after the bid opening date. Since receipt of Highland letter of protest, I have contacted Gates Enterprises and confirmed the statement by Highland is absolutely false.

To reiterate my first protest letter submitted on 3/24/2016, the protest is about Highland not meeting the DBE participation. Although Highland had other quotes from various DBE certified companies, which I have outlined in my previous protest letter dated 3/24/16, they failed or forgot to utilize them for their DBE participation. They did not identify one company for Area construction sign while they had quotation from 5 traffic control companies with competitive bids. As a result they did not meet the 24% and should be considered non-responsive.

Regards,
Ramak "Simon" Sepehri
President



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Mon May 23 12:27:24 PDT 2016

Query Criteria

Firm/DBA Name: gates enterprise

Firm Type: DBE

Firm ID	37053
Firm/DBA Name	GATES ENTERPRISES, INC
Address Line1	6 HUTTON CENTRE DRIVE, SUITE 600
Address Line2	
City	SANTA ANA
State	CA
Zip Code1	92707
Zip Code2	
Mailing Address Line1	6 HUTTON CENTRE DRIVE, SUITE 600
Mailing Address Line2	SOUTH METRO AREA
Mailing City	SANTA ANA
Mailing State	CA
Mailing Zip Code1	92707
Mailing Zip Code2	
Certification Type	DBE
EMail	jgates.gel@gmail.com
Contact Name	JOE GATES
Area Code	(714)
Phone Number	382-8707
Alt Area Code	(310)
Alt Phone Number	592-5810
Fax Area Code	(714)
Fax Phone Number	362-6801
Agency Name	DEPARTMENT OF TRANSPORTATION
Counties	01; 02; 03; 04; 05; 06; 07; 08; 09; 10; 11; 12; 13; 14; 15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 30; 31; 32; 33; 34; 35; 36; 37; 38; 39; 40; 41; 42; 43; 44; 45; 46; 47; 48; 49; 50; 51; 52; 53; 54; 55; 56; 57; 58;
Districts	01; 02; 03; 04; 05; 06; 07; 08; 09; 10; 11; 12;
DBE NAICS	237310; 238910; 532412;

ACDBE NAICS

Work Codes	C1901 ROADWAY EXCAVATION; C3910 PAVING ASPHALT (ASPHALT CONCRETE); C8700 CONSULTANT, NON ENGINEERING; C9771 TRUCK BROKER;
Licenses	C12 Earthwork and Paving Contractor;
Trucks	
Gender	M
Ethnicity	BLACK
Firm Type	DBE

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