

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!*

April 29, 2013

Facsimile: (775) 355-0535

Kevin L. Robertson, President
Sierra Nevada Construction, Inc.
P.O. Box 50760
Sparks, NV 89431

10-0X8504
10-Mer-59-R0.2/7.9
B.O. 03/19/2013

Dear Mr. Robertson:

The Department of Transportation (Caltrans) received the attached letter dated April 4, 2013 from Sierra Nevada Construction, Inc. (Sierra Nevada) protesting Fonseca/McElroy Grindings Company's (Fonseca/McElroy) DVBE subcontractor Sam's Equipment Supplies. Sierra Nevada requests Caltrans find Fonseca/McElroy nonresponsive.

The Office of Business and Economic Opportunity Contract Evaluation Unit did not complete an evaluation of this protest since Fonseca/McElroy's bid was found nonresponsive.

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

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

Sincerely,


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

Attachment

SNC



SIERRA NEVADA CONSTRUCTION, INC.
ny Ac. #23565 ca lic. #592393

Sent by Fax and Overnight Delivery

April 4, 2013

John C. McMillan
Deputy Division Chief
Office Engineer
Divisions of Engineering Services
State of California
Department of Transportation
1727 30th Street, MS-43
Sacramento, CA 95816

RE: Caltrans Contract #10-OX8504 Protest

Dear Mr. McMillian:

Please consider this letter a formal protest on the above referenced Caltrans (Agency) contract. The bid submitted by Fonseca/McElroy Grindings Co., Inc. (FMG) should be deemed non-responsive and should be rejected accordingly.

FMG submitted its bid to the Agency while identifying the vendor Sam's Equipment Supplies (Sam's) as a DVBE subcontractor in order to take advantage of the DVBE participation goal. Sam's described work on the project is to supply hot mix asphalt material as a material broker. Sam's work as meeting any commercially useful function proves troubling and thus no DVBE participation should be considered. In the bid documents provided by your Agency, the hot mix asphalt material is to be supplied by W. Jaxon Baker, a subcontractor on the project. Sam's appears to be purchasing the material directly from a related entity of a subcontractor, Le Grand Asphalt only to pass it on to Le Grand Asphalt's construction arm, W. Jaxon Baker. (Le Grand Asphalt is listed on the Jaxon Enterprises website as a related entity and W. Jaxon Enterprises is listed as a DBA of Jaxon Enterprises on the Contractors State License Board website.)

Sam's role as a DVBE provides only the illusion of being commercially useful as Sam's is simply a middleman between the true commercial material supplier, Le Grand Asphalt, and the and the construction arm of the material supplier, W. Jaxon Baker. Jaxon Enterprises could easily sell the material to its construction arm, W. Jaxon Baker with no issue. As Sam's role

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po box 50760, sparks, nv 89435
2055 east greg street, sparks, nv 89431
ph 775-355-0420 fax 775-355-0535

Received
Apr. 4. 2013 7:19AM

Apr 4 2013 08:17am

No. 1308 P. 2

SNC



SIERRA NEVADA CONSTRUCTION, INC.
Nv Lic. #25565 co lic. #593393

provides no commercially useful purpose and is not necessary for the supply of the asphalt material, FMG did not meet the required DVBE goal established by the Contract requirements. For this reason, FMG's bid should be deemed non-responsive and therefore rejected.

Thank you in advance for your consideration. Please feel free to contact me further for any additional information you may require.

Sincerely,
Sierra Nevada Construction

Tim Morgan
Senior Estimator

northern nevada
po box 50760, sparks, nv 89435
2055 east greg street, sparks, nv 89431
ph 775-355-0420 fax 775-355-0535

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

Apr 29 2013 02:00

P. 1
CALTRANS CONTR AWARDS Fax 916-227-6282

Fax/Phone Number	Mode	Start	Time	Page	U	Stat
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STATE OF CALIFORNIA--BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

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JOHN S. McMILLAN
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