

Bay Area
336 E. GISH RD.
SAN JOSE, CA 95112
PH: 408.573.9364
FX: 408.573.8364

FONSECA McELROY GRINDING CO., INC.
LICENSE #796046

Central Valley

FRESNO, CA 93725
PH: 559.445.0139
FX: 559.445.2879

April 25, 2013

Mr. John C. McMillan
Deputy Division Chief
Division of Engineering Services
California Department of Transportation

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

Dear Mr. McMillan,

In response to your letter dated April 15, 2013 we have reviewed your response and respectfully disagree with the resultant disallowance of our successful low bid.

During our bidding process we elected to list Sam's Equipment & Supplies (DGS # 27563) as a Disabled Veterans Business Enterprise (DVBE) only after first determining from the California Department of General Services own website that Sam's Equipment & Supplies DVBE status was current (it is valid from 10/30/2012 until 09/30/2014). Secondly we determined that "Asphalts" (classification 301216) is an approved classification under their DVBE profile on California Department of General Services website (see attached printout from the CA DGS' website). As of today, April 24, 2013 they are still listed as a certified DVBE supplier in Merced County with Asphalt as an approved classification.

Given the above findings during our own due diligence in this matter and our reliance on California DGS's website we respectfully request that this project be awarded to Fonseca/McElroy Grinding Co, Inc. (FMG) or should that not be possible at minimum that this project be rebid. Awarding this project to an alternate bidder would be economically damaging to FMG, a California certified Small Business Enterprise.

To discuss this matter further please don't hesitate to contact Tom de Jong, Director of Business Development for FMG at (408) 573-9364 or by email to: tom@fmgcoinc.com

We look forward to your response so we may best decide how to proceed in this matter.

Sincerely,


Frank Fonseca
Vice President, Co-Owner
Fonseca McElroy Grinding Co., Inc.



SAM'S EQUIPMENT & SUPPLIES - #27563

SUPPLIER PROFILE			
Legal Business Name	Samuel Callison		
Doing Business As	SAM'S EQUIPMENT & SUPPLIES		
Address	PO BOX 7797 FRESNO, CA 93747-7797	Phone	(559) 252-0354
		FAX	(559) 251 1119
Email	samssequipment@comcast.net		
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, Stiskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Ventura, Yolo, Yuba,		
Keywords	construction equipment K-rail material landscape material BMP material concrete pipe manhole material geotextiles electrical asphalt traffic control equipment structural steel		
Classifications	<ul style="list-style-type: none"> 101615 - Trees and shrubs 101616 - Floral plants 101618 - Non flowering plants 101715 - Organic fertilizers and plant nutrients 101716 - Chemical fertilizers and plant nutrients 101717 - Herbicides 211015 - Agricultural machinery for soil preparation 221015 - Earth moving machinery 221016 - Paving equipment 221017 - Heavy equipment components 221018 - Aerial lifts 221019 - Building construction machinery and accessories 221020 - Building demolition machinery and equipment 251817 - Product and material trailers 261215 - Electrical wire 261216 - Electrical cable and accessories 261217 - Wiring harness 271127 - Power tools 301016 - Bar 301017 - Beams 301022 - Plate 301024 - Rod 301028 - Piling 301029 - Post 301031 - Rails 301036 - Structural products 301115 - Concrete and mortars 301116 - Cement and lime 301215 - Bituminous derivatives ● 301216 - Asphalts 301217 - Road and railroad construction materials 301515 - Roofing materials 301519 - Finishing materials and products 391211 - Distribution and control centers and accessories 391213 - Electrical boxes and enclosures and fittings and accessories 391214 - Electrical lugs plugs and connectors 391215 - Switches and controls and relays and accessories 391216 - Circuit protection devices and accessories 391217 - Electrical hardware and supplies 391317 - Wire Raceways Conduit and Busways 401416 - Valves 401421 - Pipe 401423 - Pipe fittings 401424 - Pipe flanges 401426 - Tube fittings 461615 - Traffic control 471015 - Water treatment and supply equipment 471217 - Waste containers and accessories 471319 - Absorbents 491615 - Field sports equipment 		

Active Certifications

TYPE	STATUS	FROM	TO
● DVBE	Approved	Oct 30, 2012	Sep 30, 2014
SB (Micro)	Approved	Sep 24, 2012	Sep 30, 2014

~~STATE OF CALIFORNIA - BUSINESS, TRANSPORTATION AND HOUSING AGENCY~~

EDMUND G. BROWN Jr. Governor

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
 OFFICE ENGINEER, MS 43
 1727 30th STREET
 P. O. BOX 168041
 SACRAMENTO, CA 95816-8041
 PHONE (916) 227-6280
 FAX (916) 227-6282
 TTY 711



*Flex your power!
 Be energy efficient!*

April 15, 2013

Facsimile: (408)573-8364

Frank Fonseca
 Fonseca/McElroy Grinding Company, Inc.
 336 E Gish Road
 San Jose, CA 95112

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

Dear Mr. Fonseca:

The Department of Transportation (Caltrans) received the attached Disadvantaged Veterans Business Enterprise (DVBE) Commitment form submitted by Fonseca/McElroy Grinding Company, Inc. (Fonseca) on March 21, 2013, for Contract No. 10-0X8504.

Based on the information outlined in the attached memorandum from the Office of Business and Economic Opportunity, Contract Evaluation Unit (CEU), Sam's Equipment & Supplies' (Sam's) participation has been disallowed because hot mix asphalt is not an allowable supply item that can be provided by Sam's. In addition, due to Sam's inability to provide management, supervision, or control for the transportation of the materials limits their ability to perform a Commercially Useful Function.

Based on the above disallowance determination, Fonseca did not meet the participation goal of 3 percent and is no longer eligible for award of this contract.

If you have any questions, please contact Deborah Crawford, Contract Evaluation Analyst, at (916) 324-8389 or by email deborah_crawford@dot.ca.gov.

Sincerely,


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

Attachment(s)

— Gordon Ball —

State of California
DEPARTMENT OF TRANSPORTATION

Business, Transportation and Housing Agency

Memorandum

*Flex your power!
Be energy efficient!*

To: **EARL SEABERG**
Chief, Office of Contracts & Awards
Division of Engineering Services

Date: April 2, 2013

From: **JEFFREY SKIDMORE**
Manager, Contract Evaluation Unit (CEU)
Office of Business and Economic Opportunity *JK*

*DGS, listed as
asphalt supplier*

Subject: Contract No.: 10-0X8504

The bid submitted by Fonseca/McElroy Grinding Co., Inc., for the above referenced contract listed Sam's Equipment & Supplies as a Disabled Veterans Business Enterprise (DVBE). The documentation received with the bid indicates Sam's Equipment & Supplies will supply hot mix asphalt to be provided for this contract.

The CEU Staff has determined that according to the OBEO's site visit, it was concluded that hot mix asphalt is not an allowable supply item which can be provided by Sam's Equipment. Additionally, Sam's Equipments inability to provide management, supervision or control for the transportation of the materials limits their ability to perform a Commercially Useful Function. Therefore, Sam's Equipment & Supplies participation cannot be counted towards the DVBE goal.

If you have any questions/concerns, you may contact Deborah Crawford, CEU Analyst, at (916) 324-8389 or by electronic mail at deborah_crawford@dot.ca.gov.

Please notify the prime contractor and the subcontractor.

Fonseca/McElroy Grinding Co., Inc.
336 E. Gish Rd.
San Jose, CA 95112

Sam's Equipment & Supplies
P.O. Box 7797
Fresno, CA 93747

