



April 24, 2013

State of California  
Department of Transportation  
Office Engineer MS 43  
1727 30<sup>th</sup> Street  
Sacramento, CA 95816

Attn: John McMillan, Deputy Division Chief

RE: Contract No. 05-1C4304  
05-SB-101-13.5/R14.0  
Bid Date 4/3/2013

Subject: Protest of Award

Dear Mr. McMillan,

We are protesting the award of the above referenced contract to Spiess Construction Co. Inc. for not meeting the DVBE goal of 5% as referenced on page 1 of the special provisions.

We believe they submitted a defective Certified DVBE Summary DES-OE-0102.5 form. The submitted form is defective for the following reasons:

1. Total Bid row is blank. Thus it cannot be verified if \$58,019 is 5% of their bid.
2. The certification number for Sam's Equipment & Supplies as noted on Spiess' form actually is the certification number for Stoneware Tile, Inc. Sam's certification number is 27563.
3. Spiess' did not attach a copy of Sam's Equipment & Supplies quotation for furnishing the topsoil. Therefore, the value of \$58,019 cannot be verified or confirmed.

Therefore, their bid should be declared as nonresponsive.

Sincerely,  
Pacific Restoration Group, Inc.

John Richards  
President

Attach.

3rd low bidder

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION  
**CERTIFIED DVBE SUMMARY**  
 DES-OE-0102.5 (REV 3/2008)

**THIRD BIDDER**

DISTRICT-COUNTY-ROUTE: 05 SB 101  
 CONTRACT NO.: 05-1C4304  
 TOTAL BID: \_\_\_\_\_  
 BID OPENING DATE: 03 APRIL 2013  
 BIDDER'S NAME: STESS CONSTRUCTION CO., INC.  
 DVBE PRIME CONTRACTOR CERTIFICATION <sup>1</sup> \_\_\_\_\_

Bid Item Number	Description of Work to Be Subcontracted to DVBE or Materials to Be Supplied by DVBE <sup>2</sup>	For Caltrans Only	DVBE (Name, Telephone No., and Certification No.)	\$ Amount	
44	FURNISH TOPSOIL		SAMS EQUIPMENT & SUPPLIES 559-252-0354 # 34479	\$58,019.00	
Names of first tier DVBE subcontractors and their items of work listed must be consistent with the names and items of work in the Subcontractor List (Pub Cont Code § 4100 et seq.) submitted with the bid. Identify second and lower tier subcontractors on this form.				Total Claimed Participation	\$ 58,019.00 5 %

1. 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).

2. 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.

Submit to:

MSC 43  
 OFFICE ENGINEER  
 DEPARTMENT OF TRANSPORTATION  
 1727 30TH STREET  
 SACRAMENTO, CA 95816-7005

*Scott A. Coleman* 02 APR. 2013  
 Signature of Bidder Date

805-937-5859  
 (Area Code) Telephone Number

SCOTT A. COLEMAN  
 Contact Person (Type or Print)

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Department of  
General Services

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Supplier ID: 34479

**The State of California Certifications**

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STONEWARE TILE INC	# 34479
Legal Business Name: STONEWARE TILE INC	
Doing Business As: STONEWARE TILE INC	
18827 NAPA ST	<a href="#">View Profile</a>
NORTHRIDGE, CA 91324	Phone: (818) 701-2993
Email: stonewartile@sbcglobal.net	Fax: (818) 701-2989

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Department of  
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THE STATE OF CALIFORNIA DEPARTMENT OF GENERAL SERVICES

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<b>SAM'S EQUIPMENT &amp; SUPPLIES</b> - MB   DVBE	# 27563
Legal Business Name: SAMUEL CALLISON	
Doing Business As: SAM'S EQUIPMENT & SUPPLIES	
PO BOX 7797	<a href="#">View Profile</a>
FRESNO, CA 93747	Phone: (559) 252-0354
Email: samsequipment@comcast.net	Fax: (559) 251-1119

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