

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER

P.O. BOX 168041, MS-43

SACRAMENTO, CA 95816-8041

PHONE (916) 227-6299

FAX (916) 227-6282

TTY 711

www.dot.ca.gov

*Serious drought.
Help save water!*

October 30, 2014

Facsimile: (925) 671-7120

Richard Camacho, President
GEMS Environmental Management Services, Inc.
1120 Willow Pass Court
Concord, CA 94520

07-2W5404
07-Ker-5725
B.O. 10/15/14

Dear Mr. Camacho:

The Department of Transportation (Caltrans) received the attached letter dated October 27, 2014, from MGP Construction (MGP), protesting GEMS Environmental Management Services, Inc's (GEMS) bid. The protest alleges that GEMS Disabled Veteran Business Enterprises (DVBE) Summary form failed to describe the exact part that is being supplied by Anchor Supply, Inc.

Please provide your response to MGP Construction's protest no later than November 5, 2014.

If you have any questions, please contact Molly Yumikura, Contract Awards Analyst, at (916) 227-6296.

Sincerely,

A handwritten signature in black ink that reads "John C. McMILLAN".

for JOHN C. McMILLAN
Deputy Division Chief
Office Engineer
Division of Engineering Services

Attachment

MGP CONSTRUCTION

P.O. BOX 355, UPLAND, CA 91785

BID/AWARD PROTEST

VIA FACSIMILE (919)227-6282

October 27, 2014

Department of transportation
Division of Engineering Services
Office Engineer, MS 43
P.O. Box 168041
Sacramento, CA 95816-8041

Project: **Contract Number 07-2W5404 07-KER-5725**
Project ID: **0713000206**

Dear Sir/Madame:

MGP Construction hereby submits our request to extend award period if necessary.

MGP Construction also submits our written protest to contract No. 07-2W5404 being awarded to GEMS Environmental Management Services, Inc. Apparent low bidder.

In the performance of our due diligence and relying on the Post-Bid information you have posted, MGP Construction feels that it should be considered the lowest responsive and responsible bidder and that GEMS Environmental Management Services, Inc. must be considered non responsive for the following reasons:

GEMS Environmental Management Services, Inc. has failed to properly complete and submit the Certified DVBE Summary form as required in the contract special provisions section 2-1.15 and section 2-1.33.

- The DVBE Summary form states in part "if 100% of an item is not performed or supplied by the DVBE, Describe the **exact part**, including the planned location of the work to be performed, of item to be performed or supplied by DVBE"

In completion of the DVBE Summary form GEMS Environmental Management Services, Inc. fails to describe what exact part is being supplied by (Anchor Supply, Inc.) the listed DVBE. Responding to the question "Description of Work to be subcontracted to DVBE or Materials to be supplied by DVBE "with "Materials Supplier"

Special provisions Section 2-1.33 states in part "Failure to submit the forms and information as specified results in a nonresponsive bid"

- Special provisions, section 2-1.15A states in part "comply with Mil & Vet Code 999 et seq." and Special provisions, section 2-1.15B states in part "meet the goal shown on notice to bidders" on this contract it is 3%

Mil & Vet Code 999 states in part that a DVBE Contractor, subcontractor, or supplier performs a "commercially useful function" which it defines as a person or entity that does all of the following:

- Is responsible for the execution of a distinct element of the work of the contract.
- Carries out the obligation by actually performing, managing, or supervising the work involved.
- Performs work that is normal for its business services and functions.
- Is responsible, with respect to products, inventories, materials, and supplies required for the contract, for negotiating price, determining quality and quantity, ordering, installing if applicable, and making payment.
- Is not further subcontracting a portion of the work that is greater than that expected to be subcontracted by normal industry practices.
- A contractor, subcontractor, or supplier will not be considered to perform a "commercially useful function" if the contractors, subcontractors, or supplier's role is limited to that of an extra participant in a transaction, contract or project through which funds are passed in order to obtain the appearance of a disabled veteran business enterprise participation.

GEMS Environmental Management Services, Inc. has listed as their DVBE material supplier Anchor supply, Inc. which, (according to their certification) lists no physical address (only P.O. Box) and list a web page that, (When we tried to verify was a site trying to sell a domain name) as providing \$46,890.17 (exactly 3% of contract amount) worth of an unspecified material.

This does not satisfy the above criteria of the Mil & Vet code or comply with Material terms of the bidding documents and the bid must be rejected as nonresponsive.

Thank you for your consideration.

Sincerely,



Robert Andrade

Project coordinator

MGP Construction, office (909) 982-2364, cell (909) 636-3588

E-mail robandrade@verizon.net

Attachments:

- DVBE Bid Summary
- Anchor Supply, Inc. certification
- Copy of Suppliers Web Page

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
Contract No.: 07-2W5404 Project ID: 0713000206
Bidder Name: GEMS Environmental Management Services, Bidder ID: VC0000009383
CERTIFIED DVBE SUMMARY
DES-OE-102.5 (REV 3/2008)

In bid book

Low Bidder

DISTRICT-COUNTY-ROUTE: 07-Ker-5725
TOTAL BID: 1,563,005.66
BID OPENING DATE: 10-15-14
DVBE PRIME CONTRACTOR CERTIFICATION:

Submit to:
MSC 43
Office Engineer
Department of Transportation
1727 30th Street
Sacramento, CA 95816-7005

Names of first tier DVBE subcontractors and their items of work listed must be consistent with the names and items of work in the Subcontractors List (Pub Cont Code ♦ 4100 et seq.) submitted with the bid. Identify second and lower tier subcontractors on this form.

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.

Total Claimed Participation \$ 46,890.17
% 3.00

Contact Person:
(Type or Print)
(Area Code) Telephone Number:

Signature of Bidder

Date

Contract No. 07-2W5404

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STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
Contract No.: 07-2W5404 Project ID: 0713000206
Bidder Name: GEMS Environmental Management Services, Bidder ID: VC0000009383
CERTIFIED DVBE SUMMARY
DES-OE-102.5 (REV 3/2008)

Bid Item Number:

5

Description of Work to Be Subcontracted to DVBE or Materials to be Supplied by DVBE:

~~Materials supplier~~
FOR CALTRANS USE ONLY

DVBE Name: ~~Anchor Supply, Inc.~~
DVBE Telephone Number: (916) 372-2456
DVBE Certification Number: 1737337
\$Amount: ~~46,890.17~~

Bid Item Number:

Description of Work to Be Subcontracted to DVBE or Materials to be Supplied by DVBE:

FOR CALTRANS USE ONLY

DVBE Name:
DVBE Telephone Number:
DVBE Certification Number:
\$Amount:

Bid Item Number:

Description of Work to Be Subcontracted to DVBE or Materials to be Supplied by DVBE:

FOR CALTRANS USE ONLY

DVBE Name:
DVBE Telephone Number:
DVBE Certification Number:
\$Amount:

Bid Item Number:

Description of Work to Be Subcontracted to DVBE or Materials to be Supplied by DVBE:

FOR CALTRANS USE ONLY

DVBE Name:
DVBE Telephone Number:
DVBE Certification Number:
\$Amount:

Contract No. 07-2W5404

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STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
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Bidder Name: GEMS Environmental Management Services, Bidder ID: VC0000009383
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DES-OE-102.5 (REV 3/2008)

Bid Item Number:

Description of Work to Be Subcontracted to DVBE or Materials to be Supplied by DVBE:

FOR CALTRANS USE ONLY

DVBE Name:
DVBE Telephone Number:
DVBE Certification Number:
\$Amount:

Bid Item Number:

Description of Work to Be Subcontracted to DVBE or Materials to be Supplied by DVBE:

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DVBE Telephone Number:
DVBE Certification Number:
\$Amount:

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STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 07-2W5404 Project ID: 0713000206

Bidder Name: GEMS Environmental Management Services, Bidder ID: VC000009383

CERTIFIED DVBE SUMMARY

DES-OE-102.5 (REV 3/2008)

Bid Item Number:

Description of Work to Be Subcontracted to DVBE or Materials to be Supplied by DVBE:

FOR CALTRANS USE ONLY

DVBE Name:

DVBE Telephone Number:

DVBE Certification Number:

\$Amount:

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).



General Services

Anchor Supply Inc - #1737337

SUPPLIER PROFILE

Legal Business Name Anchor Supply Inc
 Doing Business As Anchor Supply Inc
 Address PO Box 493 Phone (916) 372-2456
 WEST SACRAMENTO, CA 95691 FAX (916) 372-3960
 Email anchorsupply@msn.com
 Web Page <http://www.anchorsupplycompany.com>
 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, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Ventura, Yolo, Yuba,
 Keywords SAFETY GLASSES HARD HATS PROTECTIVE CLOTHING INDUSTRIAL SUPPLIES BOLTS NUTS SCREWS MOTORS HAND TOOLS LIGHTING ELECTRICAL FUSES PUMPS ABRASIVES BATTERIES JANITORIAL WELDING PAINTS BRUSHES AIR FILTERS V-BELTS PIPE FITTINGS HARDWARE DOOR MAINTENANCE SUPPLIES
 Classifications 232414 - Metal grinding machines
 232415 - Metal cutting machines
 232416 - Metal cutting tools
 232417 - Metal deburring machines
 232418 - Metal drilling machines
 232419 - Metal boring machines
 232421 - Metal cutting machine attachments
 232426 - Specialized or miscellaneous metal cutting machines
 232714 - Welding machinery
 232715 - Brazing machinery
 232716 - Soldering machines
 232717 - Welding and soldering and brazing accessories
 232718 - Welding and soldering and brazing supplies
 232915 - Industrial drilling tools
 232916 - Industrial milling tools
 232917 - Industrial reaming tools
 232918 - Industrial threading tools
 232919 - Industrial boring tools
 241015 - Industrial trucks
 241016 - Lifting equipment and accessories
 241019 - Drum handling equipment
 241021 - Warehousing equipment and supplies
 271115 - Cutting and crimping and punching tools
 271116 - Forming tools
 271117 - Wrenches and drivers
 271118 - Measuring and layout tools
 271119 - Rough and finishing tools
 271120 - Agriculture, forestry and garden handtools
 271121 - Holding and clamping tools
 271122 - Masonry and concrete tools
 271123 - Marking tools
 271124 - Fastener setting tools
 271125 - Prying and bending tools
 271126 - Sealing tools
 271127 - Power tools
 271128 - Tool attachments and accessories

- 271129 - Dispensing tools
- 271130 - Brushes
- 271131 - Pulling tools
- 271132 - Tool kits
- 271133 - Precision hand tools
- 312119 - Paint applicators and painting accessories
- 391016 - Lamps and lightbulbs
- 391018 - Lamp components and accessories
- 391019 - Lamp Ballasts and Lamp Transformers
- 391115 - Interior lighting fixtures and accessories
- 391116 - Exterior lighting fixtures and accessories
- 391117 - Emergency lighting and accessories
- 391118 - Lighting accessories
- 391119 - Special environment fixtures and accessories
- 391120 - Portable and Temporary Lighting and accessories
- 391121 - Optical lighting
- 391315 - Wire Markers and Wire Marking Devices
- 391316 - Wire protection devices
- 391317 - Wire Raceways Conduit and Busways
- 441221 - Fastening supplies
- 461715 - Locks and security hardware and accessories
- 461716 - Surveillance and detection equipment
- 461815 - Safety apparel
- 461816 - Safety footwear
- 461817 - Face and head protection
- 461818 - Vision protection and accessories
- 461819 - Hearing protectors
- 461820 - Respiratory protection
- 461823 - Fall protection and rescue equipment
- 461824 - Decontamination aids and safety cleaning equipment
- 471015 - Water treatment and supply equipment
- 471016 - Water treatment consumables
- 471215 - Cleaning and janitorial carts and accessories
- 471216 - Floor machines and accessories
- 471217 - Waste containers and accessories
- 471218 - Cleaning equipment
- 471219 - Cleaning equipment accessories
- 471316 - Brooms and mops and brushes and accessories
- 471317 - Restroom supplies
- 471318 - Cleaning and disinfecting solutions
- 471321 - Cleaning kits
- 721015 - Building maintenance and repair services
- 721029 - Facility maintenance and repair services
- 721031 - Conveyance systems installation and repair
- 721517 - Safety and security system installation services
- 721518 - Machine installation and maintenance and repair services
- 721524 - Window and door installation and erection services
- 721540 - Specialty building and trades services

Active Certifications

TYPE	STATUS	FROM	TO
SB (Micro)	Approved	Apr 10, 2012	Apr 30, 2016
DVBE	Approved	Apr 10, 2012	Apr 30, 2016

Certification History

TYPE	STATUS	FROM	TO
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P.1
CALTRANS CONTR AWARDS Fax 916-227-6282

Oct 30 2014 09:51am

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
919256717120	Normal	30:09:49am	2'32"	10	# 0 K	

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER
P.O. BOX 168041, MS-43
SACRAMENTO, CA 95816-8041
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Sincerely,

for JOHN C. McMILLAN
Deputy Division Chief
Office Engineer
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