



GENERAL ENGINEERING CONTRACTOR
DVBE/SBE #60085
Lic. #707211

State of California
Department of Transportation
Division of Engineering Services
Office Engineer, MS 43
1727 30th Street
P.O. Box 168041
Sacramento, Ca 95816-8041

01-09-15

Attn: John McMillan, Deputy Division Chief

Re: Contract 08-0P8204
Riverside County In and Near Murrietta
Bid Protest and Response 3 to Jabre rebuttal

Gentlemen:

Please consider this letter to be a continued formal protest of the award of Caltrans contract 08-0P8204 to Jabre Contracting Inc ("Jabre").

The ("Jabre") rebuttals to ("WS") bid protest confirm that the bid submitted by ("Jabre") does not comply as the bid documents demand (Pub Code 12.2.1) and must be found non responsive.

In paragraph two of its January 6, 2015 rebuttal, ("Jabre") admits it will Self Perform Item 2 Traffic Control System.

In paragraph 5 of its January 6, 2015 rebuttal, ("Jabre") concludes that it will sub out Item 2 Traffic Control System *"the flagging"* to Mallard Construction Inc., ("Mallard").

In paragraph 3 of its January 7, 2015 rebuttal, ("Jabre") admits that *"No Flagging needed or allowed"*. (Emphasis added)

("Jabre's") admission of *"no flagging needed or allowed"*, is work that ("Mallard") has been listed to perform on both the Subcontractor listing and Certified DVBE Summary.

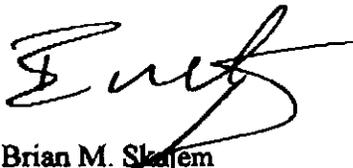
("Mallard") as per ("Jabre's") admission, will not be used to perform the work ("Flagging") it was listed to perform on the submitted Certified DVBE Summary note 2, thus, disallowing the claimed DVBE Participation as submitted by ("Jabre").

("Jabres") attempt to meet the State set DVBE goal by its listing of ("Mallard") to perform Item 2, Traffic Control System and specifically (Flagging) a function that ("Jabre") has admitted is *"Not needed or allowed"* for this project must be viewed by the Department as non responsive.

The bid submitted by ("Jabre") fails to meet the State requirement of 5 percent DVBE participation and is nonresponsive.

Western Structures respectfully submits the bid of ("Jabre") on the referenced contract be determined nonresponsive and Contract 08-0P8204 be awarded to the next lowest responsive and responsible bidder.

Respectfully,



Brian M. Skafem
President
West Coast Structures Inc
Dba; Western Structures