

**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!*

August 13, 2014

Facsimile: (760) 471-4860

Christian M. Peich, Attorney  
Flatiron/Hardy & Harper - A Joint Venture  
1770 La Costa Meadows Drive  
San Marcos, CA 92078

08-3401U4  
08-SBd-2, 138-6.2/6.4,2.3/R15.2  
B.O. 07/24/2014

Dear Mr. Peich:

The Department of Transportation (Caltrans) received the attached Disadvantaged Business Enterprise (DBE) Commitment form for Contract No. 08-3401U4 from Flatiron/Hardy & Harper - A Joint Venture (Flatiron/Hardy). Caltrans established a DBE goal of 8.0 percent for this project. Flatiron/Hardy initially claimed 11.2 percent participation.

Flatiron/Hardy listed (for credit toward the DBE goal) LMS Transport, Inc. (LMS) to supply asphalt oil in the amount of \$3,549,258.35. The Office of Business and Economic Opportunity, Contract Evaluation Branch (CEB), determined that Flatiron/Hardy's calculation did not take into account a 60 percent credit that is applied to the cost of materials and supplies. Therefore, CEB reduced the amount that Flatiron/Hardy could claim towards LMS's participation from \$3,549,258.35 to \$3,446,582. As a result of this reduction, the total dollar amount counted towards the DBE goal is \$5,226,877.94 or 11.02 percent of the total bid amount.

The Resident Engineer will receive a copy of this letter for Contract Administration Compliance.

If you have any questions, please contact Tim Bullivant, Contract Evaluation Manager, at (916) 324-1805.

Sincerely,

A handwritten signature in black ink, appearing to read "for John C. McMILLAN".

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

Attachments

c: LMS Transport, Inc.

## Memorandum

*Serious drought.  
Help Save Water!*

**To:** EARL SEABERG, Chief  
Office of Contract Awards and Services  
Division of Engineering Services

**Date:** August 8, 2014

**From:** STEVE LU  
Contract Evaluation Branch (CEB)  
Office of Business and Economic Opportunity (OBEO)

**Subject:** **Contract number: 08-3401U4**

The bid proposal submitted by Flatiron for contract number: 08-3401U4, which LMS Transport, Inc. (LMS) as a Disadvantaged Business Enterprise (DBE) supplier, has been evaluated by the CEB staff. The *Caltrans Bidder – DBE - Commitment* form we received listed LMS as an asphalt oil supplier for this project.

Upon review of this contract, Flatiron calculation did not take into account 60 percent credit that is applied to the cost of materials and supplies provided by DBE suppliers, pursuant to the Code of Federal Regulations, Title 49, Section 26.55(6)(2)(i), which states, "If the materials or supplies are purchased from a DBE regular dealer, count 60 percent of the cost of the materials or supplies toward DBE goals." Therefore, LMS's participation reduced from \$3,549,258.35 to \$3,446,582.

This determination did not adversely impact the prime's efforts to meet the DBE goal for this project. However, the CEB staff requests that you notify the prime and subcontractor regarding our findings.

If you have questions regarding this determination, please contact Steve Lu, Specialist, at (916) 324-0888 or [steve.lu@dot.ca.gov](mailto:steve.lu@dot.ca.gov).

Please notify Flatiron and LMS.

# Low Bidder

07-30-14A11:09 RCY

This information may be submitted with your bid proposal. If it is not, and you are the apparent low bidder or the second or third low bidder, it must be submitted and received as specified in section 2 of the specifications. Failure to submit the required DBE information will be grounds for finding the bid nonresponsive.

CONTRACT NO:  
**08-3401U4**

BID AMOUNT:  
**\$ 47,428,041.31**

BID OPENING DATE:  
**July 24, 2014**

BIDDER'S NAME:  
**Flatiron/Hardy & Harper A Joint Venture**

DBE GOAL FROM CONTRACT, %:  
**8%**

DBE PRIME CONTRACTOR CERTIFICATION<sup>1</sup>: **NOT APPLICABLE**

BID ITEM NO.	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED <sup>2</sup>	FOR CALTRANS USE ONLY	NAME OF DBEs (Must be certified on the date bids are opened - include Caltrans certification #, DBE address and phone number) (Indicate 2nd and lower tier subcontractors)	DOLLAR AMOUNT DBE <sup>3</sup>
97, 98	Asphalt Oil Supply and Related (Partial)		LMS Transport Inc. Cert. # 38327 3810 Wacker Drive Mira Loma, CA 91752 (951) 616-3828	\$3,549,258.35  3,446,572
55, 56, 108, 111, 118, 119, 127, 128, 129, 130, 199, 200, 201, 202, 203, 204, 205	Reinforcing Steel and Related (Partial)		Integrity Rebar Placers Cert. # 34785 1345 Nandina Ave. Perris, CA 92571 (951) 696-6843	\$ 1,778,291.59  1,778,292  5,224,879.94
			Total Claimed Participation	\$5,327,549.94

- DBE prime contractors must enter their certification number and indicate all work to be performed by DBEs including work performed by its own forces.
- If 100% of item is not to be performed or furnished by DBE, describe exact portion of item to be performed or furnished.
- See section 2-1.12 of the specifications to determine the credit allowed for DBE firms.

Submit to:

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

*CM*  
 Signature of Bidder  
**Christian M. Peich, Attorney-in-fact**  
 July 28, 2014 (760) 916-9100  
 Date (Area Code) Tel. No.  
**Jannette Carter, Estimating Administrator**  
 Person to Contact (Please Type or Print)

Chris Peich 905-597-7413  
 J Carter Estimating Corp. Inc

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 854-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-BS, Sacramento, CA 95814.

APPROVED / MET GOAL  
*Chris Peich*  
 CONTRACT EVALUATION MANAGER  
 DATE: 8-11-14

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

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

Aug 14 2014 03:39pm

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STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BRIDGE JR., GOVERNOR

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Sincerely,

JOHN C. McMILLAN  
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c: LMS Transport, Inc.