

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,

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

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

Attachment(s)

Second Bidder

DISTRICT-COUNTY-ROUTE: 10 MGR S9
 CONTRACT NO: 10-0X8504
 TOTAL BID: \$ 2,632,222⁰⁰
 BID OPENING DATE: 3/19/13
 BIDDER'S NAME: Fonseca/McElroy Grinding Co, Inc.
 DVBE PRIME CONTRACTOR CERTIFICATION: N/A

| Bid Item Number | Description of Work to Be Subcontracted to DVBE or Materials to Be Supplied by DVBE* | For Caltrans Only | DVBE (Name, Telephone No., and Certification No.) | \$ Amount |
|---|--|---------------------|--|---|
| 15 (partial) | Buy 2800 tons of Hot mix Asphalt (Type A) @ \$52.77 per ton = \$147,756 ⁰⁰ X 60% = \$88,653 ⁶⁰ (Materials to be supplied by Second Tier sub to W. Jason Baker) | DVBE 9/30/14 #27563 | Sam's Equipment & Supplies 559 252 0354 P.O. Box 7797 Fresno, CA 93747 Cer#27563 | \$88,653 ⁶⁰ |
| 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 \$88,653 ⁰⁰ 3.3% |

- 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).
- 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

[Signature] 3/20/13
 Signature of Bidder Date
 408 973 9364
 (Area Code) Telephone Number

Steve Egan
 Contact Person (Type or Print)
 DEPT. OF TRANSPORTATION
 1727 30TH STREET
 SACRAMENTO, CA 95816-7005

ADA Notice: For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 854-6410 or TDD (916) 854-3880 or (916) 854-6410. For more information, contact the Department of Transportation, Office of Contract and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

APPROVED / MET GOAL

GOAL NOT MET

CONTRACT EVALUATION MANAGER

Contract No. 10-0X8504

CONTRACT EVALUATION NUMBER

DATE:

DATE: 4/3/13

Memorandum

*Flex your power!
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To: EARL SEABERG
Chief, Office of Contracts & Awards
Division of Engineering Services

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

Subject: Contract No.: 10-0X8504

Date: April 2, 2013

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 Déborah 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

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

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

Apr 15 2013 01:06pm

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STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

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Sincerely,

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

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