

**DEPARTMENT OF TRANSPORTATION**

DIVISION OF ENGINEERING SERVICES

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*Making Conservation  
a California Way of Life.*

June 27, 2024

Email: tnb@baker-electric.com

Ted N. Baker, President & CFO  
Baker Electric & Renewables LLC.  
1298 Pacific Oaks Place  
Escondido, CA 92029

07-4V2304  
07-LA-213-6.4  
B.O. 5/30/2024

Dear Mr. Ted N. Baker,

The Department of Transportation (Caltrans) received a bid submitted by Baker Electric & Renewables LLC. (Baker) for the above Non-Federal-Aid contract on May 30, 2024. By this letter Caltrans notifies Baker that its bid is nonresponsive.

Caltrans established a Disabled Veteran Business Enterprise (DVBE) goal of 5 percent for this Non-Federal Aid Contract with an estimated cost of \$5 million or less. Caltrans refers Baker to the 2023 Standard Specifications, section 2-1.15B, Projects \$5 Million or Less, which states in part, "Meet the goal shown on the Notice to Bidders." The Notice to Bidders for the contract, in turn, provides as follows: "The DVBE Contract goal is 5 percent."

Here, Baker claimed 5.68 percent DVBE participation. However, the Caltrans Office of Civil Rights, Contract Evaluation Branch (CEB) reviewed Baker's bid documents and DVBE submittal and found that on the Certified DVBE Summary and Small Business Enterprise (SBE) Commitment form, Baker listed KEE Solutions, Inc. (KEE Solutions) for bid item number 1 in the amount of \$1,200.00. However, Baker listed both KEE Solutions and Chrisp Company in its Subcontractor List form as each separately performing 100 percent and 44.44 percent of bid number 1 respectively, for a total of 144.44 percent. Caltrans refers Baker to Public Contract Code section 4106, which states in part:

"If a prime contractor fails to specify a subcontractor or if a prime contractor specifies more than one subcontractor for the same portion of work to be performed under the contract in excess of one-half of 1 percent of the prime contractor's bid, the prime contractor agrees that he or she is fully qualified to perform that portion of work himself or herself, and that the prime contractor shall perform that portion himself or herself."

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As Baker failed to adequately specify a subcontractor for bid item number 1, Baker must self-perform bid item 1. Therefore, Baker cannot receive any DVBE or SBE credit for bid item number 1. As a result, the total amount counted for KEE Solutions' participation was reduced to \$7,930.83.

Further, CEB found that KEE Solutions, which was listed on the DVBE Summary Form only, is also a certified small business. As such, CEB counted their participation of \$7,930.83 toward Baker's SBE goal. However, CEB also determined that the subcontractor listed as a DVBE firm on the DVBE Summary Form (RCB Enterprises, Inc. [RCB]) is not a certified DVBE firm. Consequently, pursuant to Military and Veterans Code section 999 et seq., RCB's claimed participation was not counted towards the DVBE goal.

After applying the above revisions, Baker's total participation towards the DVBE goal was revised from \$23,671.00 or 5.68%, to \$7,930.83 or 1.90% of its total bid. As Baker did not meet the 5 percent DVBE goal, it is no longer eligible for award.

Based on the above, Caltrans will proceed to award the contract to the lowest responsive and responsible bidder.

If you have any questions, please contact Juan Loera, Contract Awards Branch Chief at (916) 227-5964.

Sincerely,

*April Perez-Hollins*

April Perez-Hollins  
Office Chief  
Construction Contract Awards  
Program/Project Management, Office Engineer  
Division of Engineering Services