

SBE TODAY

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DIVERSITY IN ACTION -

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Justices voice support for state affirmative action ban



Protesters in support of affirmative action gather outside the Supreme Court on Oct. 15. (Photo: Susan Walsh, AP)

Richard Wolf
USA TODAY

Oral arguments in case involving a 2006 Michigan voter initiative shows the Supreme Court is likely to rule that states can prohibit racial preferences.

A majority of Supreme Court justices appeared to agree Tuesday that states can ban affirmative action policies, an indication that they are likely to uphold a Michigan voter initiative after a decade-long dispute.

Several justices expressed doubts that the constitutional amendment — which banned discrimination or preferential treatment on the basis of race or sex — violates minorities' equal protection rights, as an appeals court ruled last year.

"Is it unreasonable for the state to say, 'Look, race is a lightning rod ... so why don't we say we want you to do everything you can without having racial preferences?'" Chief Justice John Roberts asked lawyers trying to preserve affirmative action at state universities.

The justices could be ready to issue a ruling in *Schuette v. Coalition to Defend Affirmative Action* that such bans are constitutional, but not to go further by taking aim at the wide use of racial preferences by universities in 42 states without bans.

Roberts and Justices Antonin Scalia, Samuel Alito and Anthony Kennedy all questioned why a state's voters should not be able to change affirmative action policies, just as any other level of school or state government can. Justice Clarence Thomas' vote for the ban is virtually assured.

Among those five, only Kennedy appeared torn during Tuesday's oral arguments, but his sharp questioning of lawyers opposing the ban seemed to indicate that he is more likely to align with the court's conservative wing. "The person to watch here is Justice Kennedy," says Steven Shapiro, the ACLU's legal director.

Justices Sonia Sotomayor, the court's lone Hispanic member, and Ruth Bader Ginsburg were the only ones who appeared to oppose Michigan's ban. Justice Stephen Breyer's viewpoint was more difficult to determine. Justice Elena Kagan recused herself from the case, presumably because of work she did while serving as U.S. solicitor general in 2009-10.

In addition to Michigan, seven other states ban affirmative action: California, Florida, Washington, Arizona, Oklahoma, Nebraska and New Hampshire. The University of Georgia also bans the policy.

The debate comes a year after the high court sidestepped what would have been a landmark ruling

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SMALL BUSINESS EXCHANGE

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BIDDING OPPORTUNITIES

Shimmick Construction Company, Inc.
SBE Subcontractor/Supplier Bids Requested For:

**City and County of San Francisco –
Municipal Transportation Agency
Sunset Tunnel Trackway Improvement Project
Contract No. 1270**

**Bid Date: November 7, 2013 at 3:00 PM
Fax all quotes to 510-777-5099**

Requesting certified SBE Subcontractor and Supplier Quotes on Demolition, Electrical, Environmental, Fence, Flatwork, Grinding-AC, Concrete, Horizontal Boring, Mechanical, Paint-Stain, Piles-CIDH, Railroad, Rebar, Signs, Survey, Tiebacks, Trackwork, Traffic Control, Trucking, Utility Work, Aggregate, Pile-Pipe, Railroad Products, Ready Mix, Utility Pipe-Steel, Valves & Fittings, Safety, Petroleum, Oil, Lubricants, Concrete & Cement, Construction Area Signs, Lumber & Timber, Lighting, Construction Equipment Rental, Sanitation Systems, Hazardous Materials, Fabrics, Cloth, Textiles, Rubber & Rubber Products, Toilet/ Showers, Portable & Septic, Office Rental including Mobile Offices, and Welding Equipment & Supplies.

Bid Documents may be procured from SFMTA at 1 South Van Ness Avenue, San Francisco, CA 94103; Phone: (415) 701-4284 or may be viewed at Shimmick Construction's Office by appointment only: 8201 Edgewater Drive, Suite 202, Oakland, CA 94621; Phone (510) 777-5000

Subcontractors and Suppliers interested in this project may contact Chad Hummel by phone at (510) 777-5048.

100% Performance and Payment bonds with a surety company subject to approval of Shimmick Construction Company, Inc. are required of subcontractors for this project. Shimmick Construction will pay bond premium up to 1.5%. Subcontractors will be required to abide by terms and conditions of the AGC Master Labor Agreements and to execute an agreement utilizing the latest SCCI Long Form Standard Subcontract incorporating prime contract terms and conditions, including payment provisions. Shimmick Construction's listing of a Subcontractor is not to be construed as an acceptance of all of the Subcontractor's conditions or exceptions included with the Subcontractor's price quote. Shimmick Construction requires that Subcontractors and Suppliers price quotes be provided at a reasonable time prior to the bid deadline to enable a complete evaluation. For assistance with bonding, insurance or lines of credit contact Scott Fairgrieve at (510) 777-5000.

Shimmick Construction Company Inc.
8201 Edgewater Drive, Suite 202 • Oakland, CA 94621
Phone (510) 777-5000 • Fax (510) 777-5099

An Equal Opportunity Employer

ISEC is requesting quotations from all qualified & certified SB, VOSB, SDVOSB, HUBZone, WOB, SDB

Subcontractors and Material Suppliers for the following project.

**VA Palo Alto Centers For Ambulatory Care,
Polytrauma And Blind Rehabilitation
Parking Structure 2**

**3801 Miranda Avenue, Palo Alto, CA
Bid date is October 30th, 2013 @ 1 pm**

Trade- Architectural Woodwork,
Specialties, Site Furnishings

ISEC is requesting quotes for
Subcontractors and Material Supplies
by 1 PM 10/25/13.

Contact Rich Elemen @ ISEC
with any questions concerning this project.

ISEC, Inc.

41734 Christy Street • Fremont, CA 94538
Office: 510-490-1333 • Fax: 510-656-8764

SKANSKA

Sub-Bids Requested From Qualified DBE Subcontractors & Suppliers

**Sunset Ave at I-10 / UPRR Railway Grade Separation Project
Between Ramsey Street and Westward Ave
In the City of Banning**

**County of Riverside Transportation Department
Project No.: CO-0529
DBE Goal: 2.9%**

Bid Date: October 23, 2013 – 2:00 PM

Plans and Specifications are available for view at our main office in Riverside or May be purchased from the Transportation Department at: 3525 14th Street, Riverside, California 92501, (951) 955-6780.

Quotes requested for contractors, suppliers and service providers include, but are not limited to: Construction Site Management, Storm Water Pollution Plan, Street Sweeping, Construction Area Signs, Traffic Control System, Flashing Arrow Sign, Type III Barricade, Water Pollution Control, Temporary Pavement Marking, Temporary Traffic Stripe, Channelizer, Temporary Railing, Portable Changeable Message Signs, Temporary Crash Cushion Module, Roadside Signs, Abandon Culvert, Cold Plane Asphalt Concrete Pavement (Off Ramps), Remove Concrete, Clearing and Grubbing, Roadway Excavation, Lead Compliance Plan, Imported Borrow, Temporary Shoring, Develop Water Supply, Structure Excavation, Structure Excavation (Bridge), Structure Excavation (Retaining Wall), Structure Backfill, Sand Backfill, Fiber Rolls, Class 2 Aggregate Base, Hot Mix Asphalt, Prime Coat, Place Hot Mix Asphalt Dike, Tack Coat, Furnish & Drive Steel Pile, Prestressing, Structural Concrete (Bridge), Structural Concrete (Retaining Wall), Structural Concrete (Approach Slab), Structural Concrete (Barrier Slab), Architectural Treatment, Anti-Graffiti Coating, Minor Concrete, Joint Seal Assembly, Bar Reinforcing Steel (Bridge), Bar Reinforcing Steel (Retaining Wall), Masonry Walls, Painting Structural Steel, Roadside Sign, Install Sign, Reinforced Concrete Pipe, Welded Steel Pipe Casing, Storm Drain, Rock Slope Protection, Minor Concrete (Structure), Rock Slope Protection Fabric, Miscellaneous Metal (Bridge), Miscellaneous Iron and Steel, Bridge Deck Drainage System, Chain Link Fence, Chain Link Railing, Metal Railing (Decorative), Concrete Barrier, Cable Railing, Transition Railing, Terminal System, Crash Cushion, Pavement Marking, Traffic Stripe, Pavement Marker, Landscaping, Irrigation, Signal & Lighting, Lighting & Sign Illumination, Ductile Iron Pipe, Waterline, Fire Hydrant, Sewer Pipe, Temporary Erosion Control, Erosion Control.

Skanska is interested in soliciting in Good Faith all subcontractors as well as certified DBE companies for this project. All interested subcontractors, please indicate all lower tier DBE participation offered on your quotation as it will be evaluated with your price. Please call if we can assist you in obtaining bonding, lines of credit, insurance, necessary equipment, materials and/or supplies. Skanska will also review breaking out scope packages and adjusting schedules to help permit maximum participation.

Subcontracting Requirements: Skanska's insurance requirements are Commercial General Liability (GL): \$1M ea. occ., \$1M personal injury, \$2M products & completed operations agg. and general agg.; \$1M Auto Liability; \$5M Excess/Umbrella and \$1M Workers Comp. Endorsements and waivers required are the Additional Insured End., Primary Wording End., and a Waiver of Subrogation (GL & WC). Other insurance requirements may be necessary per scope. Subcontractors may be required to furnish performance and payment bonds in the full amount of their subcontract by an admitted surety and subject to approval by Skanska. Skanska will pay bond premium up to 1%. Quotations must be valid for the same duration as specified by the Owner for contract award. Conditions or exceptions in Subcontractor's quote are expressly rejected unless accepted in writing. Skanska is signatory to the Operating Engineers, Laborers, Cement Masons, Carpenters Unions and Teamsters. Subcontractors must provide weekly, one original and one copy of all certified payrolls, including non-performance and fringe benefit statements if required by law or by the Prime Contract. Subcontractor scope (including any conditions or exceptions) is required 24 hours prior to bid deadline to allow proper evaluation.

Skanska is an Equal Opportunity Employer

Skanska Estimating Dept:

1995 Agua Mansa Rd, Riverside, CA 92509 – Ph: (951) 684-5360, Fax: (951) 788-2449

Email: Tom.Mehas@Skanska.com

REQUEST FOR SUB BIDS FROM QUALIFIED SUBCONTRACTORS AND SUPPLIERS INCLUDING DVBE/MBE/WBE/LBE for:

ADA SITE IMPROVEMENTS

VISITACION VALLEY ELEMENTARY SCHOOL, SAN FRANCISCO, CA

Bid Date: October 29, 2013

Trades/Services requested include: Temp Fencing & Trucking.

Please contact us for information about bonding, insurance, prevailing wage and certified payroll requirements.

Ross Recreation Equipment

Contact Bob Hanes at bobh@rossrec.com • (707) 538-3800 Fax: (707) 538-3826

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BIDDING OPPORTUNITIES

REQUEST FOR DBE SUBCONTRACTORS AND SUPPLIERS FOR:

**CA Dept. of Transportation
CT 04-0A5344 Cordelia**

**Realign I-680 to Connect Directly with the I-80/SR-12 Interchange
BID DATE: October 29, 2013 @ 2:00 PM**

O. C. Jones & Sons, Inc. is soliciting quotes for (including but not limited to):

Trucking, Lead Compliance Plan, Construction Area Signs, Traffic Control System, Pavement Delineation, Striping, Portable Changeable Message Signs, Temporary Railing (Type K), Dewatering, Prepare Storm Water Pollution, Temporary Erosion Control, Street Sweeping, Geomembrane Liner, Fencing, Underground Storm, Metal Beam Guard Railing, Cold Plane AC, Demolition & Removals, Clearing & Grubbing, Ground Improvements, Imported Borrow, Geotextile, Underground Water, Erosion Control, Hydroseed, Lime Stabilized Soil, Rapid Strength Concrete Base, Asphaltic Emulsion, Asphalt Dike, Tack Coat, Jointed Plain Concrete Pavement, Seal Pavement Joint, Mechanically Stabilized Embankment, Minor Concrete, Sign Structure, Roadside Sign, Pipe Underdrain, Delineator, Vegetation Control, Chain Link Railing, Concrete Barrier, Electrical Lighting & Signalization and Construction Materials.

Contact: Jean Sicard @ OCJ (510) 526-3424 or (510) 809-3411 • jsicard@ocjones.com

Flatiron West, Inc. is soliciting quotes (including but not limited to):

Bridge Demo, Joint Seal Assembly, Post Tensioning, Rebar, Bridge Concrete Barrier, Furnish & Erect Precast Girders, Ready Mix Concrete, Concrete Pumping, Steel Pipe Pile, PTFE Bearings, Bridge Bearing Pads, Form Liner, Traffic Control, Misc. Metals including Bridge Deck Drainage, Waterline Hangers, Saddles and Brackets

Contact: Blaine Austin @ Flatiron West @ (707)742-6017 • BLAustin@flatironcorp.com

**O.C. Jones & Sons, Inc. and Flatiron West, Inc.,
A Joint Venture**

1520 Fourth Street • Berkeley, CA 94710 • Phone: 510-526-3424 • FAX: 510-526-0990

An Equal Opportunity Employer

100% Performance & Payment Bonds may be required. Worker's Compensation Waiver of Subrogation required. Please call OCJ/Flatiron West for assistance with bonding, insurance, necessary equipment, material and/or supplies. OCJ/Flatiron West is willing to breakout any portion of work to encourage DBE Participation. Plans & Specs are available for viewing at both offices or through the Caltrans Website at www.dot.ca.gov/hq/esc/oe/weekly_ads/index.php

REQUESTING BIDS FROM QUALIFIED DBE SUBCONTRACTORS AND SUPPLIERS
FOR THE FOLLOWING PROJECT:

**Rt 80/680 Separation – Cordelia - Solano County
Contract #04-0A5344, Bids: October 29, 2013 at 2:00pm**

This is a highway project with the typical items of work associated, but not limited to: Aggregate, Rip Rap Material, Bridge Deck Overlay, CIDH Pile, Clear and Grubbing, Concrete Barrier, Concrete Crack Sealing, Construction Area Signs, Consult - Enviro Compliance, Core and Saw, Demo Bridge, Demo Minor, Earthwork and Base, Imported Borrow, Electrical H'Way, Fence & MBGR, Minor Flat Concrete, Joint Seals, K-Rail, Landscape, Erosion Control, Metal Bridge Rail, Minor Concrete Structure, Pavement Grinding, Paving PCC, Plane A C, Paving ASPH Concrete, A C Dike and Misc, Pile Drive, Pipe - Coor Steel, Precast Concrete Pipe, Prestress Concrete, Ready Mix Concrete, Rebar, Rock Slope Protect, Sign Structures, Signs Roadside, Stripe and Mark, Structure Excavate Bridge, Structure Excavate Site, Traffic Control, Trucking.

C.C. Myers, Inc./Bay Cities JV is willing to break down items of work into economically feasible units to encourage DBE participation. If you are interested in any of this work, please provide us with a scope letter or contact us immediately.

Plans and Specifications are available from Caltrans at: http://dot.ca.gov/hq/esc/oe/weekly_ads/all_adv_projects.php.

Conditions or exceptions in Subcontractor's quote are expressly rejected unless expressly accepted in writing. Subcontractor and Supplier quotes are required 24 hours prior to the bid date to enable thorough evaluation.



C. C. Myers, Inc. / Bay Cities Paving a Joint Venture

3286 Fitzgerald Rd. • Rancho Cordova, CA 95742 • 916-635-9370 • Fax 916-635-1527

Each Subcontractor shall be prepared to submit faithful performance and payment bonds equal to 100% of their quotation. The Contractor will pay standard industry rates for these bonds.

Contact C. C. Myers, Inc./Bay Cities JV for assistance with bonds, insurance, lines of credit, equipment, supplies or project plans and specifications. C.C. Myers, Inc., is a Union Contractor.

AN EQUAL OPPORTUNITY EMPLOYER

Sub Bids requested from qualified DBE
Subcontractors and Suppliers

**Construction on State Hwy. In Los Angeles
County in Los Angeles 0.1 mile west of
Dominquez Channel
Project No. 07-3X3904**

Bid Date/Time: October 24, 2013 @ 2:00PM

Owner: :

State of California Dept. of Transportation
1120 N. St. Room #200,
Sacramento, CA 95814

Scope of Work Includes:

Clearing and Grubbing, CIDH Piles,
Barriers and Railing, Traffic Control,
Grading, Reinforcing Steel.

Plans and Specifications are available from the Owner at www.dot.ca.gov and may be viewed at the office of G.B. Cooke, Inc. Monday through Friday 8:00 a.m. to 5:00 p.m. All quotes are requested by the COB October 23, 2013. G.B. Cooke, Inc. intends to seriously consider all proposals for participation on this project. G.B. Cooke, Inc. is An Equal Opportunity Employer. We will assist in obtaining bonds, line of credit and insurance if necessary. G.B. Cooke will also assist in obtaining the necessary equipment, supplies, and materials, if needed.

G.B. Cooke, Inc.

580 E. Foothill Blvd. • Azusa, CA 91702
Phone: 626-969-8736 • Fax: 626-969-7919
Contact: **Cori Greene**
Email: cori@gbcookeinc.com

**MBE/WBE Subcontractors/Suppliers Bids
Requested**

**Upper Narrows Pipeline Replacement Project •
Bid/Proposal Submittal Date: October 30, 2013
Owner: Victor Valley Wastewater Reclamation
Authority (VWVRA)**

**Performance/Payment/Supply Bond May Be
Required**

This advertisement is in response to VWVRA's MBE/WBE program. W.A. Rasic Construction Co., Inc. intends to conduct itself in "Good Faith" with MBE/WBE firms regarding participation on this project. Drawings and Specifications can be found on VWVRA's website <http://www.vvwra.com>. Quotes are required by 3:00 PM, October 28, 2013, so that all bids can be fairly evaluated. Please submit bids for the following work (but not limited to): Jack & Bore, Microtunneling, Horizontal Directional Drilling (HDD), Cathodic Protection, Contaminated Soil, Treatment of Contaminated Ground Water, 24 Hour Armed Guards, Trucking, Surveying, Instrumentation & Monitoring, Pressure Grout and Fencing.

Contact: Dustin Do, Estimator

W.A. Rasic Construction Co., Inc.
4150 Long Beach Boulevard
Long Beach, CA 90807
Phone: 562.928.6111 ext. 2327
Fax: 562.928.7339

PUBLIC LEGAL ADVERTISEMENTS



**CITY & COUNTY OF SAN FRANCISCO
DEPARTMENT OF PUBLIC WORKS**

**REQUEST FOR PROPOSALS
TENDERLOIN AREA CLEANUP PROGRAM
CONTRACT NO. FPS14027**

Department of Public Works' Bureau of Street Environmental Services (DPW/BSES) announces a Request for Proposals (RFP) for sidewalk and gutter cleaning services in the City's Tenderloin area bounded by O'Farrell, Mason, Hyde and McAllister Streets. Qualified Consultants should be capable of providing a range of services such as community organizing, outreach, education, facilitation of services and providing the cleaning services directly or by utilizing subconsultants.

This RFP is for a three-year contract not to exceed One Hundred Thousand Dollars (\$100,000.00) per fiscal year, for a total of three hundred thousand dollars (\$300,000.00). DPW/BSES will select one (1) Consultant only.

Proposals will be received at the Bureau of Street Environmental Services, 2323 Cesar Chavez Street, San Francisco, CA 94124 by **4:00 P.M. on November 5, 2013**. Consultants shall submit Proposals as required in the RFP package. Late submittals will not be considered. Digital files of the RFP Package may be downloaded at no cost at: www.sfdpw.org/biddocs. Notices regarding Addenda & other proposal changes will be distributed by email to Plan Holders. Additional information are available from the DPW's Contracts, Bid Opportunities & Payments webpage at: www.sfdpw.org.

Rating bonuses will be applied as per San Francisco Administrative Code Chapter 14B. Certified Local Business Enterprise (LBE) firms are encouraged to submit proposals. The LBE Sub-consultant

participation goal is **25%**. Call Selormey Dzikunu at 415-558-4059 for details. In accordance with Chapter 14B requirements, all Proposers, except those who meet the exception noted below, shall submit documented good faith efforts with their proposals & must achieve 80 out of 100 points to be deemed responsive. Proposers will receive 15 points for attending the pre-proposal

conference. Refer to CMD Form 2B for more details. Exception: Proposers who demonstrate that their total LBE participation exceeds the above subcontracting goal by 35% will not be required to meet the good faith efforts requirements.

A pre-proposal meeting will be held on October 22, 2013 at 2:30 P.M. at 2323 Cesar Chavez Street, Conference Room.

Questions regarding the RFP must be submitted by 4:00 P.M. on October 25, 2013, by email to: Aaron.Wu@sfdpw.org.

In accordance with San Francisco Administrative Code Chapter 6, no proposal is accepted & no contract in excess of \$400,000 is awarded by the City & County of San Francisco until such time as (a) the Mayor or the Mayor's designee approves the contract for award & (b) the Director of Public Works then issues an order of award. Pursuant to Charter Section 3.105, all contract awards are subject to certification by the Controller as to the availability of funds.

10/17/13

CNS-2546439#

SMALL BUSINESS EXCHANGE

Justices voice support for state affirmative action ban

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against affirmative action in university admissions by ordering a lower court to scrutinize more carefully the University of Texas' use of racial preferences.

And it comes 10 years after two seminal Supreme Court decisions affecting the University of Michigan: one that struck down the undergraduate school's point system that included race, but another that upheld the law school's consideration of race among other factors.

The decade-long effort to pass and defend the Michigan Civil Rights Initiative began just days after that latter decision. Voters approved the amendment 58% to 42% in 2006. A federal district court upheld it, but the 6th Circuit Court of Appeals struck it down last November.

PROTESTERS GATHER OUTSIDE COURT

The long-simmering dispute brought several hundred protesters to the foot of the Supreme Court Tuesday in support of affirmative action policies.

Also present was Jennifer Gratz, who won her own case against the University of Michigan in 2003, then spent the next three years promoting the constitutional amendment to override the high court's decision in a separate case upholding some use of racial preferences.

"Much progress has been made over the past 15 years in challenging discriminatory policies based on race preferences and moving toward colorblind government," Gratz said. "The Schuette case offers yet another opportunity to keep the country moving toward this goal. It was clear today that the court is ready to recognize that Michigan is moving in the right direction."

The debate has practical as well as legal implications. In Michigan and California par-

ticularly, the bans have reduced black and Hispanic enrollments at elite universities, as well as at law, medical and professional schools. The percentages of African Americans among entering freshmen at the University of California-Berkeley, UCLA and the University of Michigan were the lowest among the nation's top universities in 2011.

"There's been a precipitous drop," argued Shanta Driver, one of the attorneys representing opponents of the ban. "We are going back to the re-segregation of those schools because of the elimination of affirmative action."

Michigan's solicitor general, John Bursch, disputed statistics showing declines among black and Hispanic students at most public universities in Michigan and California. He said changes in 2010 that allowed students to check more than one racial box have skewed the figures.

While civil rights groups denounce those statistics, some conservative scholars argue that doing away with affirmative action gives minority students a better chance of succeeding at less competitive schools. They cite California's experience in the late 1990s, when declines at Berkeley and UCLA translated into more blacks and Hispanics at other University of California campuses, where they often achieve greater success.

"You want us to assume that the (affirmative action) programs are beneficial to a minority group," Roberts said, prompting Scalia to add, "It's certainly a debatable question."

'ALWAYS FOCUSED ON RACE'

Some states with bans on affirmative action, led by Florida, have used greater outreach to minority communities or increased the weight of socioeconomic factors to make up the difference.

The Michigan constitutional amendment says the state "shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin."

The state's attorney general, Bill Schuette, put it more simply in an interview with USA TODAY: "Anything a university does that has racial discrimination ought to be thrown in the trash can."

Opponents argued in their brief to the court that the initiative "enshrines in the Michigan Constitution the false claim that any attempt to overcome racial inequality and exclusion is an attempt to win 'preferential treatment,' an attempt to maintain 'discrimination.'"

They cite two precedents for their argument that the constitutional amendment violates minorities' rights: the Supreme Court's 1969 and 1982 rulings in cases from Akron and Seattle, in which the justices struck down voter-approved initiatives that had blocked the cities' pro-minority housing and school busing policies.

Bursch said those cases were different because they dealt with votes to overturn anti-discrimination laws, while the Michigan law merely requires equal treatment. State voters wanted "to move past the day when we are always focused on race," he said.

Kennedy, whose vote could determine the outcome, wrote the court's 1996 decision in *Romer v. Evans* striking down a Colorado referendum which had blocked local governments from enacting gay rights laws. But he has been on the other side of several cases involving racial preferences.

Source: USA Today