

General Engineering
Lic. No. 358030

28 May 2014
(805) 543-7751



P.O. Box 5310
San Luis Obispo • CA 93403

Fax (805) 543-7754

The City of Salinas
200 Lincoln Avenue
Salinas, CA 93901

Attn: Kathy Wilson, Assistant Engineer
Re: *Industrial Wastewater Conveyance System Improvements;*
Award No. 07-79-06716; City Project no. 9942

To Robert Russell and/or To Whom It May Concern:

Pursuant to Public Contract Code Section 5103, John Madonna Construction Co., Inc., ("JMC") hereby requests relief for the above-referenced project as a result of an inadvertent clerical error in our bid proposal. The clerical error has subjected our bid proposal to be materially different than what it was intended to be. The error was made in completing our bid proposal and is not due to an error in judgment or carelessness inspecting the work site or in reading the plans or specifications.

The error occurred because of a broken bid template for item 3. The values in last two rows of cells containing monthly rental and fuel costs was not included in the column subtotal of item 3. The mistake made the bid materially different than it was intended to be in that the cost of \$602,250 in this item and would have increased our item 3 by \$668,498 to a total of \$1,073,500.00. Attached to this letter I have included my declaration explaining the mistake along with the erroneous worksheet.

The mistake was a simple clerical error and not an error in judgment. If you require additional documentation or explanation of this clerical error, please contact the undersigned. We will provide whatever you require to assist you in your determination.

JMC respectfully requests that it be relieved from its bid on the above-referenced project. Please accept our sincere apology for any inconvenience this may have caused and we appreciate your understanding in this important matter. We look forward to you fair and equitable consideration of this matter. Should you have any questions or concerns, please do not hesitate to contact me at (805) 543 – 7751 or via email at john@jmadonna.com.

Sincerely,

John Madonna, President



DECLARATION OF JOHN MADONNA

I, John Madonna, declare:

1. I am a general contractor licensed by the State of California and a principal in the John Madonna Construction Co., Inc. ("JMC") I am aware of all facts set forth in this declaration of my own personal knowledge and can competently testify to said facts if called upon to do so.
2. Our company submitted a bid to the City of Salinas to perform work on the Industrial Wastewater Conveyance System Improvements ("the Project.)
3. Bids for the Project were opened on May 21, 2014. Subsequent to the bid-opening, we reviewed the bid we submitted and discovered that we had made a clerical/arithmetical error in preparing our bid. The amount of the error was \$668,498.00. If the error had not been made, our bid would have been increased by that amount.
4. I have attached our marked- up bid sheet for the Project which shows where and how the error was made. The error occurred in relation to Bid Item No. 3. As is shown on the attached bid sheet, one of the "cells" on the bid sheet was incomplete in that monthly rental (\$456,000) and fuel costs (\$146,250) were not carried down and therefore not included in the subtotal for Item No. 3. This can be shown but the "cloud" on the bottom row of the material column for "3. Dewatering and Non-Stormwater Discharge Control" located on the left lower quarter of the bid sheet. The two entries, monthly rental and fuel costs, should have been included in the subtotal for Item No. 3 and would have increased the subtotal by \$602,250. After adding in our mark up for overhead and profit, the bid amount for Item No. 3 would have been increased by \$668,498.
5. The error of \$668,498 as described herein renders the bid materially different from the bid we intended.
6. The above-reference mistake was a clerical error made in filling out the bid and was not the result of carelessness in inspecting the site of the work, or in reading the plans.

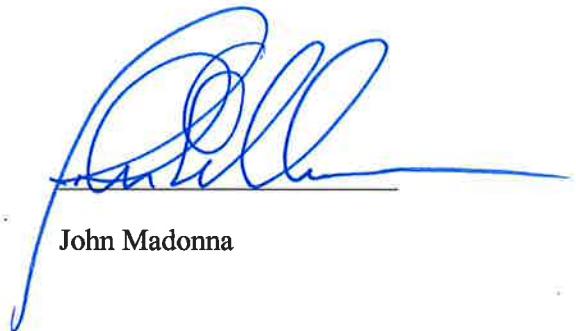
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7. If the City requires any additional explanation of the error, I am available at a mutually convenient time to provide that explanation.

I declare under penalty of perjury of the State of California that the foregoing is true and correct.
Executed this 28th day of May, 2014 at San Luis Obispo, California.



John Madonna

Mark K. added monthly rental & fuel costs

Page 1 Rickard added Rowes to Item 4