



September 6, 2017

Mr. Jeffry Smith, Senior Estimator
The Don Chapin Company
560 Crazy Horse Canyon Rd.
Salinas Ca. 93907

RE: Bid protest for East Laurel Drive & St Edwards Drive Traffic Signal & Intersection Improvements, Project 9220.

Dear Mr. Smith

We are in receipt of your email dated August 22, 2017, to which you attached a pdf copy of the Don Chapin Company's "formal protest against the awarding of the above referenced project to the lowest bidder at bid opening time." Specifically, the protest is based on two factors which you conclude make Monterey Peninsula Engineering, Inc. (MPE), the apparent low bidder, non-responsive and non-responsible:

1. MPE was not registered on the PlanetBids website at the time they submitted their bid; and
2. MPE listed Darrel Varni Electric, Inc., their electrical subcontractor for the project; however, Darrel Varni Electric did not submit a sub bid to MPE to perform works as a subcontractor for this project.

As an initial matter, we note that *Section 3 (f)*ⁱ of the project specifications requires all bid protests to be submitted with a non-refundable fee of \$1,000; No such fee accompanied this bid protest; however, as a courtesy to the Don Chapin Company, the City nonetheless reviewed and investigated the bid protest.

Public Works staff have reviewed and investigated the bid protest and found that it should not be sustained. Consistent with Salinas Municipal Code section 12-39, this determination will be forwarded to the City Council for their determination at the time they consider awarding the contract for the above-referenced project. The Public Works staff's determination is based on the following factors:

1. MPE was registered on PlanetBids at the time they submitted a bid for the above-referenced project. MPE registered on PlanetBids on two prior occasions: April 24, 2015 (Vendor ID 365419) and November 12, 2014 (Vendor ID 336712). A bidder need only register once on PlanetBids in order to be eligible to bid on projects offered by the City.
2. Darrel Varni Electric, Inc. was listed as a sub-contractor in MPE's initial Bid Document, *Bidder's Statement of Subcontractors - Part I*ⁱⁱ, and confirmed in MPE's 5-day submittal documents, specifically in *Bidder's Statement of Subcontractors - Part II*ⁱⁱⁱ form for the above-referenced project.

The City Council will consider awarding the contract for the above-referenced project to MPE during its September 19, 2017 meeting and will, at the same time, consider whether to sustain this bid protest.

In the meantime, if you have any questions, please contact Phavana Aramkul at 831.758.7903 or phavanaa@ci.salinas.ca.us.

Sincerely,

Gary E. Petersen, C.A.E.

City of Salinas - Public Works Director

ⁱ Section 3-Award and Execution of Contract.

(f) The protestor shall also submit a non-refundable fee of \$1,000.00 per protest via certified check made payable to the City of Salinas to reimburse its costs in reviewing and investigating the bid protest. Any protest submitted without the fee shall be returned without further action by the City.

ⁱⁱ Bidder's Statement of Subcontractors - Part I. Instructions State:

No Subcontractors, other than those listed hereon, shall be allowed to perform work under this Contract. Substituting a Subcontractor in place of a Subcontractor listed in the original Bid is prohibited, violators, may at the Agency's discretion, result in cancellation of the Bid.

ⁱⁱⁱ Bidder's Statement of Subcontractors – Part II. Instructions State:

No Subcontractors, other than those listed in Bidders Statement of Subcontractors – Part I, shall be allowed to perform work under this Contract. Substituting a Subcontractor in place of a Subcontractor listed in the original Bid is prohibited, violators, may at the Agency's discretion, result in cancellation of the Bid.