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PUBLIC WORKS DEPARTMENT BID PROTEST

City of Salinas – Public Works Department

DEPARTMENT OF
PUBLIC WORKS

Bidder's Attention is directed to the "CITY OF SALINAS SPECIAL PROVISIONS SECTION 2
PROPOSAL REQUIREMENTS AND CONDITIONS", section 2-1.06.

Today's Date: 0/02/18

Project Title: N. Sanborn Safety Project CIP#9089 Bid Opening Date: 01/30/18

Contractor (or Subcontractor ☐): Bear Electrical Solutions, Inc.

Contact Name: Robert Asuncion Phone No.: 408-449-5178

Address: 1341 Archer St

City: Alviso State: CA Zip: 95002

Chapter 12-39. - Bid protests of the City Code provides: Any contractor who has submitted a bid but is not the apparent lowest responsible bidder on a city contract may file a protest. The bid protest shall be filed with the city clerk within **three working days** of the bid opening. The city council shall hear the bid protest prior to adopting a resolution authorizing the bid award and execution of the contract. In cases where the contract is not executed by the city pursuant to city council resolution, the bid protest shall be heard by the city council prior to the time the city issues a notice to proceed or the appropriate city official executes the contract on behalf of the city. The protesting party may protest the bid award for the city's or successful bidder's failure to comply with the requirements of this article, the bid documents or any other applicable provision of this Code. The city council shall sustain a bid protest only if it finds evidence that award of the bid would violate the Code or other applicable law. The decision of the council shall be final.


The Contractor listed above wishes to protest one or more of the bid processes used to make the determination of the lowest responsible bidder. The following is a statement that describes the circumstances and the issues under protest. (Additional sheet(s) can be attached as needed)

Please be as specific as possible:

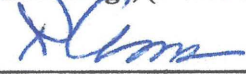
Lee Wilson's bid package is incomplete. The Employment Opportunity Certification document is incomplete. Per City bid instructions and per Federal Aid Local Assistance Procedure Manual, this required bid document must be fully completed.

Contractor (additional sheets can be attached as needed).

Please be as specific as possible:

Per the attached copy of Lee Wilson's Equal Employment Opportunity Certification, the subcontractor has been left blank. If it has been purposely left blank, then the other required documents (Bidder's statement of sub) is contradictory.  **SEE ATTACHED**

I certify that the information contained in this form is true and correct, to the best of my knowledge. (Please include this statement on all pages with an authorized signature).


Signature (signature in blue ink)

ROBERT ASUNCION
Name (Please Print)

VICE PRESIDENT
Title or Position (Please Print)

02/02/18
Date

Number of Pages (including those attached) 4

	COMPLETE-IN-PLACE				
16	CONSTRUCT MODIFY "TYPE A" ADA PEDESTRIAN ACCESS RAMP (INCLUDES DETECTABLE WARNING SURFACE); COMPLETE-IN-PLACE	6	EA		
17	CONSTRUCT MODIFY "TYPE B" ADA PEDESTRIAN ACCESS RAMP (INCLUDES TYPE "B" MODIFIED CURB CONSTRUCTION AND DETECTABLE WARNING SURFACE); COMPLETE-IN-PLACE	8	EA		
18	CONSTRUCT MODIFY "TYPE F" ADA PEDESTRIAN ACCESS RAMP (INCLUDES TYPE "B" MODIFIED CURB CONSTRUCTION AND DETECTABLE WARNING SURFACE); COMPLETE-IN-PLACE	2	EA		
19	CONSTRUCT MODIFY "TYPE C" ADA PEDESTRIAN ACCESS RAMP (INCLUDES TYPE "B" MODIFIED CURB CONSTRUCTION AND DETECTABLE WARNING SURFACE); COMPLETE-IN-PLACE	7	EA		
20	SWPPP	1	LS		
21	TRAFFIC CONTROL PLAN	1	LS		

TOTAL



NOTE: For Bid package to be VALID: (1) the Bidder must submit all completely executed and signed Federal and City of Salinas forms; and (2) the Contractor and all Subcontractors shall have valid, current and active Contractor's license(s) for the classification(s) of work performed and be registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5, and the license(s) must be valid at the time of award of Contract and throughout the Contract as approved by Council.



It is expressly understood and agreed that this Bid shall have the following documents completed, all of which are incorporated into and made a part hereof. The following information shall be submitted with the Bid Proposal on the Bid Opening Date:

1. Completely executed Proposal signed and dated;
2. Signed Addendum, if any;
3. Bidder's Bond
4. Bidder's Statement of Financial Responsibility Technical Ability and Experience;
5. Insurance Certification;
6. Bidder's Statement of Subcontractors – Part I (The Contractor and all Subcontractors shall have valid, current and active Contractor's licenses for the classification of work performed, prior to submittal of Bid, during Award, and throughout the Contract).

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(*)

7. Equal Employment Opportunity Certification

- 8. Public Contract Code Section 10285.1 Statement**
- 9. Public Contract Code Section 10162 Questionnaire**
- 10. Public Contract Code Section 10232 Statement**
- 11. Contractor's Certification of Non-Segregated Facilities**
- 12. Non-Collusion Affidavit**
- 13. Debarment and Suspension Certification**
- 14. Non-Lobbying Certification for Federal-Aid Contracts**
- 15. Disclosure of Lobbying Activities**
- 16. Buy America Certification**

The lowest and second lowest ranked project Bidders shall submit the following forms, fully completed, to the Engineering and Transportation Department, City of Salinas, within 5 working days after Bid opening date and/or when the lowest responsible Bidder is known. The Documents to be completed and submitted are the following:

- 17. Bidder's Statement of Subcontractors – Part II;**
- 18. Bidder's List for the City of Salinas Engineering and Transportation Department (The Prime Contractor shall submit original(s). All Subcontractor(s) shall submit original (s) or faxed copies); and**
- 19. Contractor Data Universal Numbering System (D-U-N-S) Number**
- 20. Non-Collusion Affidavit of Subcontractor**
- 21. Exhibit 15-G Local Agency Bidder DBE Commitment (Construction Contracts)**
- 22. Exhibit 15-H DBE Information – Good Faith Efforts**

(*)

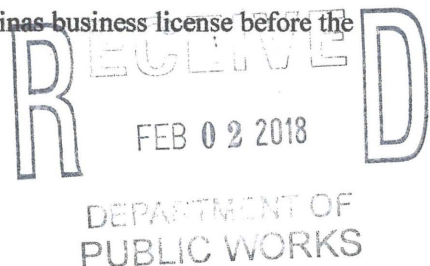
Failure to comply with these requirements may result in the forfeiture of the Bidder's rank in the Bid process.

In addition to the Subcontractors required to be listed in conformance with the Standard Specifications, the Contractor shall submit a list of the name, address, DIR Public Works Registrations number, and Contractor's license number and from which State/expiration date, and the portion of the work that shall be done by each Subcontractor. All prospective Contractors may use the website <https://www2.cslb.ca.gov/OnlineServices/CheckLicenseII/CheckLicense.aspx> to check each Subcontractor's license status and the DIR's Contractor Registration searchable database <https://efiling.dir.ca.gov/PWCR/Search> action to verify each Subcontractor's registration status.

The list of Subcontractor(s) shall be submitted by the Bidder together with the Proposal. Use the form supplied in the Contract documents. If no such list is submitted, it shall be assumed that the Contractor shall do all the work herein specified, provided his/her license allows him/her to legally do so.

All prospective Bidders shall use Caltrans' MBE/WBE listing which is available on the website address <http://www.dot.ca.gov/hq/bep/>.

The successful Bidder and all Subcontractors must have a valid City of Salinas business license before the commencement of work.



EQUAL EMPLOYMENT OPPORTUNITY CERTIFICATION

(This form shall be completed and submitted with this Bid)

The bidder Lee Wilson Electric Company, Inc., proposed subcontractor [REDACTED], hereby certifies that he has X, has not _____, participated in a previous contract or subcontract subject to the equal opportunity clauses, as required by Executive Orders 10925, 11114, or 11246, and that, where required, he has filed with the Joint Reporting Committee, the Director of the Office of Federal Contract Compliance, a Federal Government contracting or administering agency, or the former President's Committee on Equal Employment Opportunity, all reports due under the applicable filing requirements.

Note: The above certification is required by the Equal Employment Opportunity Regulations of the Secretary of Labor (41 CFR 60-1.7(b) (1)), and must be submitted by bidders and proposed subcontractors only in connection with contracts and subcontracts which are subject to the equal opportunity clause. Contracts and subcontracts which are exempt from the equal opportunity clause are set forth in 41 CFR 60-1.5. (Generally only contracts or subcontracts of \$10,000 or under are exempt.)

Currently, Standard Form 100 (EEO-1) is the only report required by the Executive Orders or their implementing regulations.

Proposed prime contractors and subcontractors who have participated in a previous contract or subcontract subject to the Executive Orders and have not filed the required reports should note that 41 CFR 60-1.7(b) (1) prevents the award of contracts and subcontracts unless such contractor submits a report covering the delinquent period or such other period specified by the Federal Highway Administration or by the Director, Office of Federal Contract Compliance, U.S. Department of Labor.

I declare under penalty or perjury under the laws of the State of California that the foregoing is true and correct.

SIGNED Kale O
(Signature in blue ink)

Attach Notary Acknowledgment if signature is not the same as the Proposal signature(s).

12-4-89

