

June 26, 2023

Via Email: billb@jwfowler.com

John B. Fowler
James W. Fowler Co.
12775 Westview Drive
Dallas, OR 97338

SUBJECT: Disposition of Protest from James W. Fowler Co.
Project No. 7-68 – MacArthur Force Main Improvements

On June 13, 2023, the Orange County Sanitation District (OC SAN) received an Award Protest Statement (Protest) from your firm, J.W. Fowler Co. (Fowler). The Protest states that SRK Engineering (SRK) should be deemed nonresponsive because SRK does not have a C-31 license and because SRK did not list a Subcontractor to perform the traffic control work. For the reasons discussed below, Fowler’s Protest is denied.

As specified in section SP-3 of the Special Provisions, the CONTRACTOR must possess a Class “A” Contractor’s License. SRK has an active Class “A” license. It is OC SAN’s understanding that when a contractor with a Class “A” Contractor’s License performs traffic control work, which is part of the project, a C-31 specialty license is not required. The traffic control work is incidental to work permitted to be performed by a contractor with a Class “A” Contractor’s License.

The position above is supported by the attached email, dated June 14, 2023, from Hal Clay, Special Investigator at the California Contractors State License Board. In his email, Mr. Clay indicates that “[i]t is acceptable for A-General Engineering contractors to perform a wide range of work on overall engineering projects they have been awarded, including traffic control.” Mr. Clays further indicates that a C-31 license would be required if the contractor were to act as a subcontractor and only perform the traffic control work. Therefore, since SRK will be responsible for all the Work at the referenced project, SRK is not required to have a C-31 license. The Class “A” Contractor’s License is sufficient. In addition, SRK is not required to list a Subcontractor for the traffic control Work.

Based on the above, OC San has determined that SRK’s bid is responsive. Therefore, OC SAN will proceed with its recommendation to OC SAN’s Board of Directors to award the contract to SRK as the lowest, responsive, responsible bidder.

Zintzun, Ruth Digitally signed by Zintzun, Ruth
Date: 2023.06.26 16:12:05
-07’00’

Ruth Zintzun
Finance & Procurement Manager

RZ:DO:yp

Enclosure

- Serving:*
- Anaheim
 - Brea
 - Buena Park
 - Cypress
 - Fountain Valley
 - Fullerton
 - Garden Grove
 - Huntington Beach
 - Irvine
 - La Habra
 - La Palma
 - Los Alamitos
 - Newport Beach
 - Orange
 - Placentia
 - Santa Ana
 - Seal Beach
 - Stanton
 - Tustin
 - Villa Park
 - County of Orange
 - Costa Mesa Sanitary District
 - Midway City Sanitary District
 - Irvine Ranch Water District
 - Yorba Linda Water District

From: Clay, Hal@CSLB <Hal.Clay@cslb.ca.gov> on behalf of CSLB Classifications Deputy@CSLB <Classifications@cslb.ca.gov>
Sent: Wednesday, June 14, 2023 2:16:43 PM
To: Jacob Scheidel <jscheidel@srkeng.com>
Subject: RE: License #1017836 Licensing Clarification

Good afternoon,

It is acceptable for A-General Engineering contractors to perform a wide range of work on overall engineering projects they have been awarded, including traffic control. If you were to act as a subcontractor, and only perform traffic control, we would suggest you add the C31-Construction Zone Traffic Control classification to your license.

Hal Clay
Special Investigator
Licensing Classification Deputy
Contractors State License Board
916 255-6333 fax