



June 13, 2023

Larry Roberson

Senior Contracts Administrator
Orange County Sanitation District
Fountain Valley, California

Re: PROJECT NO. 7-68: Award Protest Statement – Bid Protest of Low Bidder

Dear Larry Roberson,

J.W. Fowler Co. (JWF) has reviewed SRK Engineering's (SRK) bid documentation and discovered an error in their proposal as described below.

In the Technical Specifications of Project 7-68, Section 01510 Traffic Control, subsection 1.4 A.1 requires the installer, responsible for the setup and maintenance of traffic control, possesses a C31 class license as a "Construction Zone Traffic Control Contractor." SRK does not possess this class of license, according to the California Contractor's State License Board. In addition, they did not list any subcontractor for this work on form BF-2.

On Bid Form BF-2, the Bidder is to list the subcontractors of all tiers it plans to utilize on the project.

In accordance with California Public Contract Code section, 4100 et seq., the name and location of the principal place of business of each Subcontractor who will perform work or labor or render service to the CONTRACTOR in or about the construction of the Work of improvements in an amount in excess of one-half of one percent (0.5%) of the CONTRACTOR's total Bid, the Subcontractor license number, and the portion of the Work which will be done by each Subcontractor is set forth below. Also, for each Subcontractor listed below, the Subcontractor's Department of Industrial Relations (DIR) registration number and Subcontract amount is provided.

Two of the four bidders (JWF & Rasic) listed traffic control subcontractors – each for \$200,000 or more for this scope of work. As all subcontractors are to be listed over one half of one percent (0.5%), SRK would be required to list any non-self-performed work ($\$3,897,000.00 \times 0.5\%$) = \$19,485. Since the traffic control work exceeds the listing requirement, it appears SRK failed to list a traffic control subcontractor for that portion of work.

And, although a listed subcontractor, Superior Pavement Markings, carries the correct class of license, the value of their work is only for the project-required striping (for which they were listed).

For the above reasons, SRK's bid must be deemed nonresponsive, and therefore rejected. JWF complied with each of the Project bid submission requirements. As the lowest responsive and responsible bidder, JWF should be awarded the Project contract. We look forward to working with OC Sanitation District on this project.

Sincerely,



Spencer McClymont
California Regional Manager