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June 22, 2023

Via Email: Jeanette@fasonegbc.com

Jeanette Fasone
 Fasone Construction, Inc.
 9124 Norwalk Blvd.
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SUBJECT: OC SAN's Disposition to Fasone Construction, Inc.'s Bid Protest
 Project No. P2-127
 Collections Yard Relocation and Warehouse Demolition at Plant No. 2

OC SAN received your Bid Protest Statement (Statement) dated June 8, 2023. As stated in the IFB, P2-127 project will be installing two (2) warehouse stations, relocating the Collections Yard, including the construction of a covered truck parking area to the CM Trailer Parking Lot, and demolishing the existing Warehouse and Collections Yard at Plant No. 2.

Staff reviewed the information provided in your Statement and concluded that OC SAN's non-responsive determination of Fasone Construction, Inc.'s (Fasone) Bid remains unchanged due to the following reason:

1. BF-4 (A) PERFORMANCE HISTORY AND FINANCIAL RESOURCES- LIST OF COMPLETED PROJECTS AND EXPERIENCE REQUIREMENTS (BF-4.A) specifically requires Bidder to list at least three (3) projects of similar nature, scope, complexity, and cost.

Specifications and Drawings allow the Prime Contractor to subcontract the Metal Building portion of the work to a specialty subcontractor; however, this does not waive Bidder's experience requirements as stated on BF-4. A. Fasone's Statement mentioned it will employ US Patriot Steel as the manufacturer of prefabricated building system, which does not address OC SAN's basis for non-responsive determination.

None of the projects listed by Fasone on BF-4. A met the requirements of the IFB and are not in a relative range as alleged by Fasone in its Statement. Based on the clarification response, dated May 4, 2023, submitted by Fasone, and reference checks conducted by OC SAN's staff, it was further confirmed that Fasone did not list any projects that were similar in nature, scope, complexity, and cost as required by the IFB. Fasone's listed projects are mostly tenant improvement and restoration in nature. These projects include some demolition, replacement and rehabilitation of the portions of building structures as described by Fasone in their Bid and subsequent responses to OC San's clarification requests. None of the listed projects included complete demolition of the entire comparable structures, complete installation of the similar in size and complexity metal building performed by your company. Relative to the cost requirements, the largest project listed by Fasone on

- 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

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BF-4. A is under engineer's estimate and all other listed projects are well below the engineer's estimate.

The Bidder must meet all the requirements listed on BF-4. A instead of portions or elements of the Work. Furthermore, BF-4. A states that failure of a Bidder to demonstrate that Bidder has minimum required experience as described in the BF-4. A shall deem its Bid non-responsive.

Therefore, based on the above, OC SAN's non-responsive determination remains without change. Furthermore, OC SAN disagrees with all other statements made in Fasone's Statement as not relevant to the basis of OC SAN's determination to deem Fasone's Bid non-responsive. OC SAN will proceed with its recommendation as stated in the Award Recommendation Notice dated June 2, 2023.



Ruth Zintzun
Finance and Procurement Manager

RZ:WC