# J.F. Shea Construction, Inc.

General Contractors License No. 769989

November 30, 2020

Mr. Jay Kaura Orange County Sanitation District 10844 Ellis Avenue Fountain Valley, California 92708

Re: Project No. FE18-14, Plant Water Pipeline Replacement in Kinnison, Lindstrom, and

Scott Tunnels at Plant No. 2

Subj: Formal Protest Notification of Award Recommendation Notice Dated November 25th,

2020

Mr. Kaura,

Pursuant to Section IB-29B of the "Instructions to Bidders", this letter shall serve as our written notification to the Orange County Sanitation District (OCSD) that J. F. Shea Construction, Inc. formally protests the Award Recommendation Notice, which we received on November 25th, 2020. The basis of our protest is that the apparent low bidder Mechanical Co. Inc. dba MMC Inc., should be rejected on the basis that it is non-responsive to OCSD's Safety Standards Section V, Part B. Asbestos, which states "Asbestos is to be handled only by qualified and certified CONTRACTORs and employees. Asbestos CONTRACTORs/Subcontractors must be approved in accordance with applicable Federal, State and local requirements to perform removal and disposal of asbestos containing material encapsulation." Furthermore, the State of California requires a CONTRACTOR/Subcontractor, when performing Asbestos Abatement work "only", to hold a valid State of California C-22 license. Excerpt from CSLB, "No licensed contractor who holds the §7058.5 asbestos certification shall contract for any project that includes asbestos abatement work in a trade for which the contractor is not licensed, unless the licensee also holds the C-22 Asbestos Abatement classification." Attached to this letter and designated as Attachment PL-001 is a copy MMC's current licenses held in the State of California, which confirms the fact that MMC does not hold the required C-22 license nor does MMC hold a current ASB Certification, which we believe would not be applicable in this Asbestos removal situation because the asbestos gasket removal process can be isolated and done as a standalone activity.

Attached to this letter and designated as Attachment PL-002 is a copy of the Bid Tabulation provided on October 20, 2020 by OCSD. Upon review of the Bid Tabulation Documents, we have determined that MMC did not list an abatement Subcontractor (asbestos removal) and more importantly, as disclosed in Attachment PL-001, MMC does not have the required C-22

license or the ASB certification (not applicable) to self-perform this work. In review of all the other Bidder's information, it's discernable/apparent that each of the other 9 Contractors used the required/appropriately licensed C-22 abatement Subcontractor, except the low bidder MMC, which used this non-listing as a bidding advantage. The only Subcontractor that MMC listed was CL Coating Inc. (License No. 936172), who does not hold a C-22 license. Attached to this letter and designated as Attachment PL-003 is a copy CL Coating's current licenses held in the State of California. Based on MMC's Bid amount of \$1,134,000.00, the required listing for Subcontractors to comply with Subcontractor listing requirements for the State California, would be a minimum amount of \$5,670.00 or ½ of 1 percent. The value of the asbestos abatement removal work was 3 times greater than the required listing amount for the State of California, which the other 9 bidders complied with.

J.F. Shea and the other 8 bidders complied with all of the requirements stipulated in the Contract Bidding Documents, and therefore J.F. Shea Construction Inc. should be considered the lowest responsible bidder for the Project No. FE18-14, Plant Water Pipeline Replacement in Kinnison, Lindstrom, and Scott Tunnels at Plant No. 2.

Respectfully,

Roy A. Valadez,

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**Estimating Manager** 

Cc: Sent UPS Overnight

#### Attachment No. PL-001

Home | Online Services | License Details

# **○**Contractor's License Detail for License # 573635

DISCLAIMER: A license status check provides information taken from the CSLB license database. Before relying on this information, you should be aware of the following limitations.

- CSLB complaint disclosure is restricted by law (8&P 7124.6) If this entity is subject to public complaint disclosure click on link that will
  appear below for more information. Click here for a definition of disclosable actions.
- ▶ Only construction related civil judgments reported to CSLB are disclosed (B&P 7071.17).
- Arbitrations are not listed unless the contractor fails to comply with the terms.
- Due to workload, there may be relevant information that has not yet been entered into the board's license database.

#### **Business Information**

MEHTA MECHANICAL COMPANY INC dba MMC INC

5901 FRESCA DRIVE LA PALMA, CA 90623 Business Phone Number:(714) 521-2022

 Entity
 Corporation

 Issue Date
 07/24/1989

 Reissue Date
 07/08/1994

 Expire Date
 07/31/2022

License Status

This license is current and active.

All information below should be reviewed.

#### Classifications

- **▶ A GENERAL ENGINEERING CONTRACTOR**
- ► C-61 / D21 MACHINERY AND PUMPS
- ► C11 ELEVATOR INSTALLATION
- ▶ B GENERAL BUILDING CONTRACTOR

**Bonding Information** 

### Attachment No. PL-002



## **ORANGE COUNTY SANITATION DISTRICT**

## **BID TABULATION**

#### **PUBLIC WORKS CONSTRUCTION CONTRACTS**

### **PROJECT NO. FE18-14**

# PLANT WATER PIPELINE REPLACEMENT IN KINNISON, LINDSTROM, AND SCOTT TUNNELS AT PLANT NO. 2

October 20, 2020 11:00 a.m. Total Addenda: 2

Engineer's Estimate: \$1,300,000

Anticipated Award Date: December 16, 2020

CONTRACTORS	Subcontract Amount		TOTAL BID
1. Mechanical Co. Inc. dba MMC Inc.			\$ 1,134,000
<u>Subcontractors</u>			
CL Coating Inc.	\$	36,300	
2. J.F. Shea Construction, Inc.			\$ 1,149,000
<u>Subcontractors</u>			
Matrix Environmental	\$	178,142	
CL Coatings	\$	36,300	
3. Innovative Construction Solutions			\$ 1,149,435
<u>Subcontractors</u>			
D2 Industrial	\$	65,214	

	CONTRACTORS	Subcontract Amount		TOTAL BID
4.	Shimmick Construction Company, Inc.			\$ 1,290,000
	Subcontractors			
	Bayview Environmental Services, Inc.	\$	85,000	
5.	J.R. Filanc Construction			\$ 1,317,900
	Subcontractors			
	CL Industrial Coatings	\$	56,300	
	Brickley Environmental	\$	168,400	
6.	PCL Construction Inc.			\$ 1,385,742
	Subcontractors			
	Environmental Construction Group	\$	110,000	
	CL Coating	\$	36,000	
7.	Aid Builders			\$ 1,420,000
	Subcontractors			
	Karcher Environmental		8%	
8.	Myers & Sons Construction, LLC			\$ 1,459,459
	Subcontractors			
	CL Coatings Inc.	\$	36,300	
	Performance Abatement Services	\$	84,700	

CONTRACTORS	Subcontract Amount		TOTAL BID	
9. Tharsos Inc.			\$	1,576,000
<u>Subcontractors</u>				
CL Coatings	\$	36,300		
ACT	\$	87,500		
10. Environmental Construction Inc.			\$	1,649,383
Subcontractors				
CL Coatings, Inc.	\$	36,300		
Performance Abatement Services, Inc.	\$	84,700		

#### Attachment No. PL-003

#### Home | Online Services | License Details

# Ocontractor's License Detail for License # 936172

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  appear below for more information. Click here for a definition of disclosable actions.
- ▶ Only construction related civil judgments reported to CSLB are disclosed (B&P 7071.17).
- Arbitrations are not listed unless the contractor fails to comply with the terms,
- > Due to workload, there may be relevant information that has not yet been entered into the board's license database.

#### **Business Information**

C L COATINGS INC 535 WATT DR STE A FAIRFIELD, CA 94534 Business Phone Number: (707) 558-1800

 Entity
 Corporation

 Issue Date
 08/04/2009

 Expire Date
 08/31/2021

License Status

This license is current and active.

All information below should be reviewed.

Classifications

**C33 - PAINTING AND DECORATING** 

**Bonding Information** 

**Contractor's Bond** 

This license filed a Contractor's Bond with ARGONAUT INSURANCE COMPANY.

Bond Number: SUR0017153 Bond Amount: \$15,000 Effective Date: 01/01/2016 Contractor's Bond History

**Bond of Qualifying Individual** 

This license filed Bond of Qualifying Individual number **CMS334712** for JON SCOTT CLAYPOOL in the amount of **\$12,500** with RLI INSURANCE COMPANY.

**Effective Date: 05/23/2019** 

Workers' Compensation