



Asbestos Management Group of California, Inc.

California Contractors License No. 586844
Department of Occupational Safety & Health No. 271

June 17, 2019

VIA ELECTRONIC MAIL

Grant Bailey, P.E.
City of Santa Rosa
Transportation and Public Works Department
69 Stoney Circle
Santa Rosa, CA 95401

Re: Bid Protest – Building Demolition – Various Locations
Contract Number: C02162

Dear Mr. Bailey

This letter serves as Asbestos Management Group of California, Inc.'s (AMG) bid protest with respect to AFM Environmental, Inc. (AFM) the apparent low bidder for the project referenced above. AMG's protests the bid as nonresponsive and directs the City of Santa Rosa (City) to the details set forth below.

1. AFM SUBMITTED AN ERRONEOUS BID AMOUNT ON THE BID FORM UNDER THE HEADING OF SCHEDULE OF PRICES

AMG references the City's Invitation for Bids, Section 2-1.33E Rejection of Bids Containing Alterations, Erasures or Irregularities; clearly states the bids may be rejected if they show any alternations of forms, additions not called for, conditional bids, incomplete bids, erasures or *irregularities of any kind*.

AFM inserted the same figure for both Unit Price and Total Price on the Schedule of Price form for all 17 items. The City, in part, expressly states in the Invitation for Bids, Section 2-1.07 Approximate Estimate; "The quantities given in the contract document are approximate only, *being given as a basis for the comparison of bids....*" The irregularity impairs the City's ability to make fair bid comparisons. The City cannot accurately or fairly evaluate AFM's bid with the other competing bidders. For this reason, AFM's bid should be considered nonresponsive.

Further, this irregularity is a material typographical or numerical error by AFM. This error gives AFM an unfair advantage as such errors likely would be legally good grounds for withdrawing its bid *without forfeiting its bid bond per Public Contract Code §5103*. This gives AFM an unfair advantage over the other bidders because AFM could wait until after the bid opening to see what



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the other bidders had submitted in terms of pricing and then elect to withdraw its bid if it was economically practical to do so.

2. AFM DID NOT LIST A SUBCONTRACTOR AS REQUIRED BY THE SECTION 2-1C.1 SUBCONTRACTORS

Section 2-1C.1 of the Bid Documents states that “each Contractor will list a Subcontractor who will perform work or laborer or render services to the Contractor in or about the construction work or improvement, or a Subcontractor licensed by the State of California who, under subcontract to the Contractor, specifically fabricates and installs a portion of the work or improvement according to detailed drawings contain in the Project plans or other Contract Documents in an amount in excess of one-half of one percent of the Contractors total bid.”

Refer to AFM’s Schedule of Prices Sheet Item 3 – Chain Link Fence. AFM’s total price for this item is \$3,000.00. AFM’s Unit Pricing for the Item is also \$3,000.00 This amount, whether calculated out by its Unit Price or assume the Total Price, both are above the one-half of one percent of AFM’s grand total bid of \$511,000.00.

AFM holds the following license classification from the California Contractors State License Board: B, C-21, C-22 and an ASB Certification. AFM did not list any Subcontractors on the List of Subcontractors Form. The failure of a prime contractor to list a subcontractor to perform any portion of the work means the prime contractor must perform the work (Public Contract Code §4106). AFM does not hold a C-13 Fencing Classification and cannot self-perform the work, thus rendering its bid nonresponsive.

For the reason set forth above, AMG respectfully requests that the City reject the bid of AFM as nonresponsive. The above noted deficiencies unfairly effect the price of the bid and gives AFM an advantage not allowed other bidders. The City must not overlook the basic rules of competitive bidding and conformance and therefore reject the bid of AFM.

Sincerely,

Asbestos Management Group of California, Inc.

A handwritten signature in blue ink, appearing to read 'Brent Bates', is written in a cursive style.

Brent Bates, President

Cc: Angela Casagrande, Assistant City Attorney
acasagrande@srcity.org