



SPENCON CONSTRUCTION, INC.

GENERAL ENGINEERING CONTRACTOR
LICENSE #820205

July 24, 2019

Victor Voong, P.E.
Associate Engineer
City of Burlingame

RE: 2019 Sidewalk Repair Program, City Project No 85520

Victor,

Please consider this letter as our Formal Protest for the 2019 Sidewalk Repair Program that bid today, July 24, 2019. We were present at the bid today and Spencon is protesting the apparent low bidder, Guerrero Construction on the following grounds:

- On Page 11, the bid summary page. Note 1, states that "The proposal must include a total estimated amount together with an estimated amount for each item listed herein. Failure to do so may cause the proposal to be considered non responsive." Guerrero did not provide a total estimate amount as stated in Note 1.
- Section 2.02, 2-1.10 Subcontractor List, it states that "The bidder must list a subcontractor to perform work in an amount in excess of 1/2 of 1 percent of the total bid or \$10,000, whichever is greater (Pub Cont Code 4100)." Guerrero Construction did not list a subcontractor for tree work.
- In section 23.14 Remove Tree and Grind Stump, it states for Bid Item No. 14 and 15 both require a C-61 license to perform tree removal and stump grinding. Does Guerrero have the required C-61 license as they did not list a tree subcontractor? These are large trees that require a special trade to perform this work.
- On the Notice to Bidders, it states the bid documents provided on the website are (Read-Only) and are available for viewing. It directs you to purchase the specs at the City Offices. When Spencon asked to download plans, we were told that we must pick up and purchase plans in order to be added to bidder's list and be eligible to bid on project. Guerrero did not follow procedures using yellow forms and did not purchase plans to be on bidder's list.

It is clear that Guerrero Construction failed to meet the Public Code requirements, therefore we believe that the bid should be considered non-responsive and the project be awarded to the 2nd low bidder.

Sincerely,

Steve Stahl
Spencon Construction