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**Jonathan Woo, E.I.T.**  
**Associate Engineer**  
**Direct 650.558.7246 Main Office 650.558.7230**  
501 Primrose Road | Burlingame, CA 94010

**Subject: Formal Bid Protest Regarding Addenda Revised Bid Schedule**

Dear PW/ENG-Jonathan,

We respectfully submit this formal bid protest regarding the bid proposal submitted for the project. After reviewing the bid documents, we noticed that although Tri Valley Striping and Bayside Stripe & Seal, Inc. acknowledged the addenda on PlanetBids, they did not include the addenda revised bid schedule with their bid proposal submission. We believe this omission is a material issue that may affect the responsiveness and compliance of their bids.

The revised bid schedule issued through the addenda is an important part of the bidding documents, and failure to include it may result in an incomplete proposal. Therefore, we respectfully request that the City carefully review both submissions and determine whether they comply with all bid requirements and specifications.

We kindly request clarification regarding this matter before the contract award is finalized. We also request equal and fair consideration for all bidders in accordance with the project bidding requirements.

Thank you for your time, review, and attention to this matter. Please let us know if any additional information is required from our side.

Sincerely,

A handwritten signature in black ink that reads "Atif Zahoor". The signature is written in a cursive, flowing style.

Atif Zahoor

President, Zara Construction, Inc.



## The City of Burlingame

PUBLIC WORKS DEPARTMENT  
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May 26, 2026

Attn: Atif Zahoor, President  
Zara Construction, Inc.  
501 Primrose Road  
Burlingame, CA 94010

**Re: South Rollins Road Traffic Calming Project; City Project No. 86660; Formal Bid Protest Regarding Addenda Revised Bid Schedule**

Dear Mr. Zahoor,

The City of Burlingame ("City") is in receipt of Zara Construction Inc.'s ("Zara") bid protest letter received on May 20, 2026 ("Protest") in regards to the above captioned project ("Project"). The Protest challenges the bid submitted by Tri Valley Striping, the apparent low bidder, as well as the bid submitted by Bayside Stripe & Seal, the apparent second-low bidder, on the same basis: the alleged failure to physically attach an updated bid schedule reflecting Addendum No. 1. City staff has reviewed the Protest and finds that the omission of the revised schedule is immaterial as part of the bid package submission. The City need not reach or make a separate finding regarding Bayside Stripe & Seal. Therefore, City staff will recommend that the City Council reject the Protest and award the Project to Tri Valley Striping.

As a threshold matter, a bid must conform to the material terms of the bid package. (*DeSilva Gates Constr. v. Department of Transp.* (2015) 242 Cal.App.4th 1409; *Menefee v. County of Fresno* (1985) 163 Cal.App.3d 1175.) A bid is responsive if it promises to do what the bidding instructions demand. (*Williams v. Clovis Unified Sch. Dist.* (2007) 146 Cal.App.4th 757; *Valley Crest Landscape Inc. v. City of Davis* (1996) 41 Cal.App.4th 1432, 1438.) Responsiveness should be determined from the face of the bid. (*Great W. Contractors, Inc. v. Irvine Unified Sch. Dist.* (2010) 187 Cal.App.4th 1425.) California law recognizes that public agencies have discretion to waive minor or inconsequential irregularities where the irregularity does not affect the bid price, give the bidder an unfair competitive advantage, or undermine the integrity of the competitive bidding process. Conversely, a public agency may not waive a material deviation. (See *Menefee v. County of Fresno* (1985) 163 Cal.App.3d 1175, *Ghilotti Construction Co v. City of Richmond* (1996) 45 Cal.App. 4th 897).

Here, the issue identified in Zara's protest does not render Tri Valley Striping's bid nonresponsive. Tri Valley Striping acknowledged Addendum No. 1 through PlanetBids, as required. Addendum No. 1 expressly stated that bidders were required to acknowledge receipt and acceptance of the addendum on PlanetBids and that, because bids were being submitted electronically, contractors were not required to physically sign the addendum so long as they acknowledged it through PlanetBids.

In addition, the actual bid pricing was submitted electronically through PlanetBids. The bid schedule included with the bid package did not contain pricing fields to be completed outside of the PlanetBids system. Accordingly, the failure to separately upload an updated copy of the bid schedule does not affect Tri Valley's bid price, its commitment to perform the revised scope of work, or the fairness of the bidding process. To the extent that the failure to include a physical copy of the addenda with the updated bid schedule as part of the bid submission constitutes an irregularity, such irregularity is immaterial (for the reasons set forth above) and as such, the City may exercise its discretion to waive, or refuse to waive, the irregularity. Consistent with this discretion afforded by applicable case law, the City intends to waive this immaterial irregularity in Tri Valley Striping's bid submission.

As such, City staff intends to recommend award of the Project to Tri Valley Striping and the rejection of Zara's Protest to the City Council at the June 15<sup>th</sup> City Council meeting.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Yang', with a stylized flourish at the end.

Andrew Yang  
Senior Civil Engineer  
City of Burlingame

cc: Tri Valley Striping  
cc: Bayside Stripe & Seal