

BID FILE

Bay Construction Company
4026 Martin Luther King Jr. Way
Oakland, CA 94609
CSLB #593411
(510) 658-7225
(510) 658-4890 Fax

January 11, 2013

via facsimile & Certified Mail

Peralta Community College District
Purchasing Department
Attn: David Bui
501 5th Avenue
Oakland, CA 94606

RE: Bid Protest

Dear Mr. Bui:

Pursuant to Article 4 of Bid Documents, We are formally protesting the bid offer by TC Awning on 1/10/2013 for the Laney College Awning Project, Project No. 12-13/10 based on the reason that they failed to provide the Bidder Certification form, thus rendering their bid non-responsive. Article 2 of the Bid Documents clearly identified the required documents to be included in the bid submittal. Section 2.03.F. states that, "Bidders must submit Document 00 4546 (Bidder Certification)..."

This protest is submitted with the limit of five business days following bid opening. Please inform us of your finding on this matter.

Sincerely,



Yong Kay
President
Bay Construction

Enclosure

Rev. 0
August 29, 2012

2.02 Bid Submission:

- A. Owner will receive Bids in opaque sealed 10 inch x 13 inch envelopes, containing the required items described herein.
- B. Bidders should mark their Bid envelopes using the name, address, identifying information and contract number, indicated in Document 00 1000 (Notice Inviting Bids).

2.03 Required Contents of "Envelope" – Bid Submittals"

- A. Document 00 4000 (Bid Form): Bidders must submit Bids on Document 00 4000 (Bid Form) in accordance with the provisions of Document 00 4000. Bidders must complete all Bid items and supply all information required by Bid documents and specifications.
- B. Document 00 4313 (Bond/Accompanying Bid): Bidders must submit Document 00 4313 (Bond Accompanying Bid) accompanied by a cashier's check, certified check (certified without qualification and drawn on a solvent bank of the State of California or a National Bank doing business in the State of California) or completed form of Document 00 4313 of not less than 10% of the base Bid, payable to Owner and completed in accordance with the provisions of Document 00 4313.
- C. Document 00 4314 (Bidder Registration and Experience Form): Bidders must submit Document 00 4314 (Bidder Registration and Experience Form), completed in accordance with the provisions of Document 00 4314.
- D. Document 00 4330 (Subcontractor List): Bidders must submit Document 00 4330 (Subcontractors List) completed in accordance with the provisions of Document 00 4330. The Subcontractors List must include the names of all subcontractors for those subcontractors who will perform any portion of work, including labor, rendering of service, or specially fabricating and installing a portion of the work or improvement according to detailed drawings contained in the plans and specifications, in excess of one half of one percent (0.5%) of the total Bid amount. Any violation of this requirement may result in a Bid being deemed non-responsive and not being considered.
- E. Document 00 4519 (Non-Collusion Affidavit): Bidders must submit Document 00 4519 (Non-Collusion Affidavit) completed in accordance with the provisions of Document 00 4519.
- F. Document 00 4546 (Bidder Certifications): Bidders must submit Document 00 4546 (Bidder Certification) completed in accordance with the provisions of Document 00 4546.

ARTICLE 3 - BID OPENING AND EVALUATION

3.01 Determination of Apparent Low Bidder

- A. Owner will open each Bidders' Envelope at the time and place indicated in Document 00 1000 (Notice Inviting Bids), initially evaluate them for responsiveness, and determine an Apparent Low Bidder as specified herein.
- B. Apparent Low Bid will be determined solely on the total amount of all Bid items based on terms contained in Document 00 1000 (Notice Inviting Bids) and Document 00 4000 (Bid Form). All Bidders are required to submit Bids on all Bid items (including any alternates).
- C. If Apparent Low Bidder is determined to be non-responsive or non-responsible, then Owner may proceed to the next Apparent Low Bidder's Bid pursuant to any procedures determined in its reasonable discretion, and proceed for all purposes as if this Apparent Low Bidder were the original Apparent Low Bidder.

