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9/9/11

County of Santa Barbara  
Department of Public Works  
Scott D. McGolpin, Director  
123 Anapama Street  
Santa Barbara ,CA 93101-2065

Via Facsimile, email & US Mail  
(805) 739-8773

RECEIVED  
SEP 14 2011

RE: County Project No.862275-Retrofit of Maria Ygnacia Bridge Retrofit.

Dear Mr. Sneddon:

This letter is in response to the protest letter dated 9-01-2011 from Souza Construction, Inc ("Souza"). Brough Construction, Inc. recognizes that the 3% goal was not achieved for this project. We disagree with Souza's claim that we did not perform a good faith effort. We feel we exceeded the requirements of the good faith effort based on the information below.

Brough advertised within two separate trade publications 18 days prior to and up to bid day. Bid invites were also sent to potential UDBE's via email and fax 18 days prior to bid. Follow up phone calls were also made to these same UDBE's. 49CFR, Appendix A to part 26 does not indicate how many days or hours in advance a follow up to the initial solicitation should be done.

Brough recognizes that on this project it was going to be extremely difficult to meet the UDBE goal without getting "creative" in meeting that goal. In this current economic climate, meeting the UDBE goal is not always in the best interest of the agency or the contractor.

Super Seal and Stripe was sent a bid invite on 8-10-11. As has been the case in the past, they did not provide a return fax or email confirming their intent to bid. Historically, Super Seal has always provided quotes for work in this geographic region. We have done projects with them in the past and had no reason to believe that they would not be providing a quote. On bid day, Sharon with Super Seal stated that they had several projects bidding that day and would not be providing a quote. A follow up phone call 45 minutes prior to bid reaffirmed that.

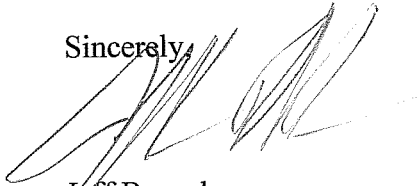
After reviewing the apparent second low bidder's subcontractor list, Super Seal was listed as a subcontractor by them. Apparently, Souza was the only contractor that received a competitive quote from them. In reviewing Souza's subcontractor list, it appears that they were no closer to meeting the goal than we were, prior to receiving a

“last minute” quote from Super Seal. Souza also had listed Toste Striping (a direct competitor to Super Seal), crossed them out and listed Super Seal in their place.

Lash Construction didn’t have any viable UDBE “Subcontractors” listed on there subcontractor list or a striping subcontractor for that matter.

Brough Construction, Inc. requests that the County of Santa Barbara reject Souza’s bid protest on the fact that it has no merit and recognize Brough as the apparent lowest and responsive bidder.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Brough', written over a horizontal line.

Jeff Brough  
President  
Brough Construction, Inc.