



**Community Services Department**  
*Connecting People to Opportunities*

George Chapjian, Director, Community Services  
 Dinah Lockhart, Deputy Director, Housing & Community Development  
 Ryder Bailey, Chief Financial Officer, Community Services  
 Sarah Rubin, Executive Director, Arts Commission  
 Jeff Lindgren, Parks Supervisor  
 Ashley Watkins, Division Chief, Sustainability Division



November 25, 2019

Marilyn Fkiaras  
 Secretary/CFO  
 Tomar Construction Inc.  
 120 South Calavo Street, Suite B  
 Santa Paula, CA 93060

SENT VIA E-MAIL TO: [tjconstructionvta@yahoo.com](mailto:tjconstructionvta@yahoo.com)

**Subject: Response to Bid Protest**  
 Lookout Park East End Renovation Project ("Project"), Project No. 8655

Dear Marilyn,

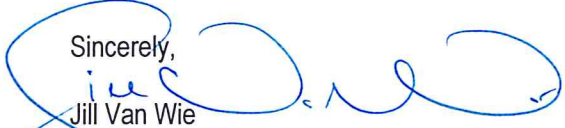
We have received your letter of November 18, 2019 that protests the County's response to your initial bid protest dated November 14, 2019 in consideration of the apparent low bid submitted by Christopher Scott Construction ("CSC") for the above referenced Project. We continue to conclude that CSC's bid is responsive as CSC is a Class A licensed contractor; class A license contractors, because they are engineering contractors, are allowed to do this work pursuant to the California Business and Professions Code, section 7056:

- A – General Engineering Contractor  
 Business & Professions Code  
 Division 3, Chapter 9. Contractors, Article 4. Classifications

**7056.** A general engineering contractor is a contractor whose principal contracting business is in connection with fixed works requiring specialized engineering knowledge and skill, including the following divisions or subjects: irrigation, drainage, water power, water supply, flood control, inland waterways, harbors, docks and wharves, shipyards and ports, dams and hydroelectric projects, levees, river control and reclamation works, railroads, highways, streets and roads, tunnels, airports and airways, sewers and sewage disposal plants and systems, waste reduction plants, bridges, overpasses, underpasses and other similar works, pipelines and other systems for the transmission of petroleum and other liquid or gaseous substances, parks, playgrounds and other recreational works, refineries, chemical plants and similar industrial plants requiring specialized engineering knowledge and skill, powerhouses, power plants and other utility plants and installations, mines and metallurgical plants, land leveling and earthmoving projects, excavating, grading, trenching, paving and surfacing work and cement and concrete works in connection with the above mentioned fixed works.

Our office intends to recommend that the Board of Supervisors award the contract to Christopher Scott Construction at an upcoming Board of Supervisors (BOS) hearing (date to be determined after December 3<sup>rd</sup>). Once the BOS hearing date is determined, I will contact you. To submit a protest to the contract award, Tomar will need to submit protest documents to the Clerk of the Board 72 hours prior to the hearing date.

Sincerely,

  
 Jill Van Wie

Capital Division Manager  
 (805) 568-2470

[jvanwie@co.santa-barbara.ca.us](mailto:jvanwie@co.santa-barbara.ca.us)

**TOMAR CONSTRUCTION, INC.**  
120 S. Calavo Street Ste. B  
Santa Paula, Ca. 93060  
(805) 525-6500 fax (805) 525-6565  
[tjconstructionvta@yahoo.com](mailto:tjconstructionvta@yahoo.com)  
Ca. State License # 693713

To: County of Santa Barbara  
Re: Summerland Overlook Park Project Protest

Electrical is not a fixed work. There is no mention, as you say, that "Licensure includes all work associated with "parks, playgrounds and other recreational works". To have an unlicensed electrician perform work of this magnitude, as we have been told by the State Contractors License Board previously, is not allowed. Christopher Scott Construction should have a licensed electrician on staff at the time the project was bid. To move the electric car chargers, for instance, usually requires a certified technician with a C-10 license.

It is still the opinion of Tomar Construction that CSC should be disqualified and lacks proper credentials to complete this project.

Respectfully,



Marilyn Fkiaras





**Community  
Services  
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Ashley Watkins, Division Chief, Sustainability Division



November 18, 2019

Marilyn Fkiaras  
Secretary/CFO  
Tomar Construction Inc.  
120 South Calavo Street, Suite B  
Santa Paula, CA 93060

SENT VIA E-MAIL TO: [tjconstructionvta@yahoo.com](mailto:tjconstructionvta@yahoo.com)

**Subject: Response to Bid Protest**  
Lookout Park East End Renovation Project ("Project")  
Project No. 8655

Dear Marilyn,

We have received your letter of November 14, 2019 that protests the County's consideration of the apparent low bid submitted by Christopher Scott Construction ("CSC") for the above referenced Project. After reviewing your contention for rejecting CSC's bid, we have concluded that CSC's bid is responsive for the following reason(s):

- CSC is a Class A Engineering Contractor licensed by the California State License Board and certified by the Department of Industrial Relations to perform public works projects. As such, the licensure includes all work associated with "**parks, playgrounds and other recreational works**" as referenced in the California Business and Professions Code, section 7056. Incidental and supplemental work required to complete a project may be subcontracted or self-performed, pursuant to the California Code of Regulations. CSC will self-perform any necessary work packages not assigned a subcontractor on the submitted bid documents per Public Contract Code, Division 2, General Provisions, Part 1, Chapter 4. Subletting and Subcontracting 4106.

Our office intends to recommend that the Board of Supervisors award the contract to Christopher Scott Construction at an upcoming Board of Supervisors hearing (date to be determined after December 3<sup>rd</sup>). If Tomar would like to uphold their protest for the County to deem Christopher Scott Construction's bid as non-responsive please let me know no later than Wednesday, November 20, 2019.

Sincerely,



Jill Van Wie  
Capital Division Manager  
(805) 568-2470  
[jvanwie@co.santa-barbara.ca.us](mailto:jvanwie@co.santa-barbara.ca.us)



Thursday, November 14, 2019

County of Santa Barbara, Community Services Department, Parks Division  
Attention: Jill Van Wie, Capital Division Manager  
123 E. Anapamu Street, 2<sup>nd</sup> Floor  
Santa Barbara, California 93101

Re: Lookout Park East End Renovation, project no. 8655

Jill,

Please accept this correspondence in response to the Bid Protest dated November 13, 2019 and submitted by Tomar Construction Inc.

Christopher Scott Construction is a Class A Engineering Contractor licensed by the CSLB and certified by the DIR to perform public works projects. As such, the licensure includes all work associated with “parks, playgrounds and other recreational works” as referenced in the California Business and Professions Code, section 7056, noted herein. Incidental and supplemental work required to complete a project may be subcontracted or self-performed, pursuant to the California Code of Regulations. Christopher Scott Construction will self-perform any necessary work packages not assigned a subcontractor on the submitted bid documents.

I have included the following California Legislative Codes for reference and review.

**California Business and Professions Code, Division 3, Chapter 9, Section 7056:** A general engineering contractor is a contractor whose principal contracting business is in connection with fixed works requiring specialized engineering knowledge and skill, including the following divisions or subjects: irrigation, drainage, water power, water supply, flood control, inland waterways, harbors, docks and wharves, shipyards and ports, dams and hydroelectric projects, levees, river control and reclamation works, railroads, highways, streets and roads, tunnels, airports and airways, sewers and sewage disposal plants and systems, waste reduction plants, bridges, overpasses, underpasses and other similar works, pipelines and other systems for the transmission of petroleum and other liquid or gaseous substances, parks, playgrounds and other recreational works, refineries, chemical plants and similar industrial plants requiring specialized engineering knowledge and skill, powerhouses, powerplants and other utility plants and installations, mines and metallurgical plants, land leveling and earthmoving projects, excavating, grading, trenching, paving and surfacing work and cement and concrete works in connection with the above-mentioned fixed works.



**Public Contract Code, Division 2, General Provisions, Part 1, Chapter 4. Subletting and Subcontracting**

**4106.** If a prime contractor fails to specify a subcontractor or if a prime contractor specifies more than one subcontractor for the same portion of work to be performed under the contract in excess of one-half of 1 percent of the prime contractor's total bid, the prime contractor agrees that he or she is fully qualified to perform that portion himself or herself, and that the prime contractor shall perform that portion himself or herself.

**Business and Professions Code, Division 3, Chapter 9, Section 7059**

(b) In public works contracts, as defined in Section 1101 of the Public Contract Code, the awarding authority shall determine the license classification necessary to bid and perform the project.

Respectfully,

*Angela Custer*

Angela Custer

Vice President, Finance and Operations

Christopher Scott Construction



# TOMAR CONSTRUCTION INC.

120 South Calavo Street, Suite B  
Santa Paula, CA 93060  
Office (805) 525-6500 fax (805) 525-6565  
tjconstructionvta@yahoo.com  
CSLB #693713

November 13, 2019

County of Santa Barbara Community Services Dept.  
123 E. Anapamu Street, 2<sup>nd</sup> Floor  
Santa Barbara, CA 93101  
Attention: Jill Van Wie

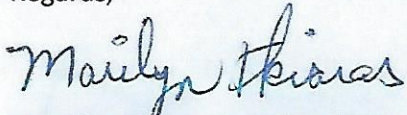
Re: Project No. 8655, Lookout Park East End Renovation - Bid Protest

Please accept this letter as formal protest to the bid submitted on November 12, 2019 by Christopher Scott Construction for the above referenced project. We protest awarding this project to Christopher Scott Construction on the grounds of insufficient subcontractor listing. Missing subcontractor trades include Electrical, Landscape and Survey. Per California State License Board, contractors seeking to perform landscape work must hold a C-27 license. Additionally any Electrical work must be performed by a contractor possessing a C-10 license. These are just two examples of lack of proper subcontractors. Christopher Scott Construction is currently registered under an A license. They cannot legally self perform those trades. Trades that are worth at least one half of one percent of the total aggregate bid must be listed and submitted with the bid documents.

We ask that the bid submitted by Christopher Scott Construction be disqualified and the project be awarded to the next apparent low bidder.

Thank you in advance for your consideration of this matter. If you have any question or comments please contact me using the company information provided.

Regards,



Marilyn Fkjaras, Secretary/CFO  
TOMAR CONSTRUCTION INC.



# A - General Engineering Contractor

## Business & Professions Code

### Division 3, Chapter 9. Contractors, Article 4. Classifications

**7056.** A general engineering contractor is a contractor whose principal contracting business is in connection with fixed works requiring specialized engineering knowledge and skill, including the following divisions or subjects: irrigation, drainage, water power, water supply, flood control, inland waterways, harbors, docks and wharves, shipyards and ports, dams and hydroelectric projects, levees, river control and reclamation works, railroads, highways, streets and roads, tunnels, airports and airways, sewers and sewage disposal plants and systems, waste reduction plants, bridges, overpasses, underpasses and other similar works, pipelines and other systems for the transmission of petroleum and other liquid or gaseous substances, parks, playgrounds and other recreational works, refineries, chemical plants and similar industrial plants requiring specialized engineering knowledge and skill, powerhouses, power plants and other utility plants and installations, mines and metallurgical plants, land leveling and earthmoving projects, excavating, grading, trenching, paving and surfacing work and cement and concrete works in connection with the above mentioned fixed works.

# C-10 - Electrical Contractor

## **California Code of Regulations**

### **Title 16, Division 8, Article 3. Classifications**

An electrical contractor places, installs, erects or connects any electrical wires, fixtures, appliances, apparatus, raceways, conduits, solar photovoltaic cells or any part thereof, which generate, transmit, transform or utilize electrical energy in any form or for any purpose.

*Authority cited: Sections 7008 and 7059, Reference: Sections 7058 and 7059 (Business and Professions Code)*



# C-27 - Landscaping Contractor

## **California Code of Regulations**

### **Title 16, Division 8, Article 3. Classifications**

A landscape contractor constructs, maintains, repairs, installs, or subcontracts the development of landscape systems and facilities for public and private gardens and other areas which are designed to aesthetically, architecturally, horticulturally, or functionally improve the grounds within or surrounding a structure or a tract or plot of land. In connection therewith, a landscape contractor prepares and grades plots and areas of land for the installation of any architectural, horticultural and decorative treatment or arrangement.

*Authority cited: Sections 7008 and 7059, Reference: Sections 7058 and 7059 (Business and Professions Code)*

County of Santa Barbara  
Community Services Department, Parks Division  
Lookout Park East End Renovation  
2297 Finney Road  
Summerland, CA 93067



Project No. 8655

MANDATORY JOB WALK:  
**Thursday, October 24, 2019**  
1:00 P.M.

BID OPENING DATE:  
**Tuesday, November 12, 2019**  
3:00 P.M.

BID OPENING LOCATION:  
County of Santa Barbara  
Community Services Department Administration Office  
123 E. Anapamu Street, 2<sup>nd</sup> Floor  
Santa Barbara, California 93101



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- Bid Form (includes Non-collusion Affidavit)
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  - Anti-fraud Certification
  - Bidder's Bond

## **CONTRACT FORMS**

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- Performance Bond
- Certificate of Insurance Transmittal
- Unlawful Discrimination Ordinance
- County of Santa Barbara Agreement Form

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- Sheet L0.0: Cover Sheet
- Sheet L1.0: Demolition Plan
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- Sheet S2.1: Structural Details

By: Coast Engineering and Survey, Inc. Dated: October 4, 2019 Drawing Sheets (8 total):

- Sheet C1: Title Sheet
- Sheet C2: General Notes
- Sheet C3: Details
- Sheet C4: Overall Site Plan and Utility Plan
- Sheet C5: Sewer Connection Plan
- Sheet C6: Erosion Control Plan
- Sheet C7: Stormwater Control Plan
- Sheet C8: Parking Lot Improvement Plan

## **GENERAL CONDITIONS**

## NOTICE TO BIDDERS

Notice is hereby given that the Community Services Department, Parks Division, County of Santa Barbara will receive bids for:

**COUNTY OF SANTA BARBARA**  
**Lookout Park East End Renovation**  
2297 Finney Road  
Summerland, CA 93067  
**Project No. 8655**

MANDATORY JOB WALK:  
**1:00 P.M., Thursday, October 24, 2019**

BID OPENING DATE:  
**3:00 P.M., Tuesday, November 12, 2019**

**PROJECT LOCATION:** 2297 Finney Rd, Summerland, CA 93067

**MANDATORY JOB WALK:** There will be a MANDATORY job walk noted above at the project site. Only those prime contractors attending the job walk shall be qualified to bid the work.

**EXAMINATION OF SITE:** Each bidder shall examine the site of work before bidding and shall be responsible for having acquired full knowledge of the job and of all problems affecting it. No variations or allowances from the contract sum will be made because of lack of such examination.

**PROJECT DESCRIPTION:** Contractor shall demolish any remaining portions of the existing auxiliary shed and building pad, and sections of the existing asphalt driveway, concrete swale, parking curb and underground utilities. Contractor shall install electrical, water and sewer utilities, an irrigation system, plantings and site amenities, relocate ADA and electric vehicle parking stalls and charging stations, construct an ADA ramp, trellises, a pergola, decomposed granite trails, permeable paving picnic areas and a natural rock percolation drainage area.

**CONTRACTOR'S LICENSE:** The CONTRACTOR shall possess a Class A or B license at the time this Contract is awarded.

**QUESTIONS:** All questions should be addressed to the Community Services Dept. Parks Capital Division Manager, Jill Van Wie, via e-mail: [jvanwie@co.santa-barbara.ca.us](mailto:jvanwie@co.santa-barbara.ca.us) .

**BID DOCUMENTS:** To request the plans, specifications and proposal forms for bidding this project please contact Jill Van Wie, Capital Division Manager; (805) 568-2470; e-mail: [jvanwie@co.santa-barbara.ca.us](mailto:jvanwie@co.santa-barbara.ca.us) .

**BID SUBMITTAL INSTRUCTIONS:** Each bid shall be in accordance with the plans and specifications approved by the Community Services Department. The bid shall be sealed and received at the Community Services Administration office located at 123 E. Anapamu Street, 2<sup>nd</sup> Floor, Santa Barbara, California, 93101, on or before **3:00 P.M., Tuesday, November 12, 2019**, at which time each bid will be opened. The Official



Time will be determined by the Community Services Bid Clock, located at the address indicated above.

**SUBSTITUTION OF SECURITIES:** Pursuant to Section 22300 of the Public Contract Code and the project specifications, the CONTRACTOR may substitute securities or request that the County make payment of retentions to an escrow agent for any money held by the COUNTY to ensure contract performance.

**PREVAILING WAGES:** Pursuant to the provisions of Section 1770 et seq. of the California Labor Code, the CONTRACTOR shall pay not less than the prevailing rate of per diem wages as determined by the Director of the Department of Industrial Relations. A copy of the prevailing rate of per diem wages can be obtained online or at the offices of the Community Services Department and are available to any interested party on request.

**In addition:**

- No contractor or subcontractor may be listed on a bid proposal for a public works project unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)].
- No contractor or subcontractor may be awarded a contract for public work on a public works project unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5.
- This project is subject to compliance monitoring and enforcement by the Department of Industrial Relations.

**WITHDRAWAL OF BIDS:** The COUNTY reserves the right to reject any and or all bids or waive any informality in a bid. No bidder may withdraw his bid for a period of sixty (60) days after the date set for the opening thereof.

**BID SELECTION:** The COUNTY reserves the right to select any one or any combination of bids, whichever is in the best interest of the COUNTY.

**CONSTRUCTION TIME:** The successful CONTRACTOR (after receiving the Notice to Proceed) shall have **one thirty-five (135)** calendar days to complete all work called for under the Contract Documents.

**LIQUIDATED DAMAGES:** The liquidated damages will be One Hundred Fifty Dollars (\$150) per day for project delays that are determined to be attributable to the CONTRACTOR.