



June 2nd 2010

**Ms. Celeste Manolas
County of Santa Barbara
Capital Projects Group
1105 Santa Barbara Street
Santa Barbara, CA. 93101**

Re: Santa Barbara Historical Courthouse Public Defenders Remodel Project 8661
Bid Protest filed by Melchiori Construction Company

Dear Ms. Manolas:

We are pleased to learn that our company is the apparent low bidder for the above select project and look forward to working with the County of Santa Barbara on this important, historical building within the community that we live in. In regards to the bid protest filed by Melchiori Construction Company dated May 28th 2010, please consider the following as a formal response in accordance with your request dated June 1st 2010.

Melchiori Construction Company has raised two issues regarding the bid provided by Pavilion Construction Company on May 27th 2010. The first being the Architectural Woodwork defined under section 06400. The second being the Environmental Controls defined under section 15975. Please allow us to deal with both of these issues separately.

Architectural Woodwork - Section 06400

We had fully reviewed all scope and conditions noted within section 06400 prior to submitting our bid. Respectfully, we did not interpret subparagraph 2.01 Acceptable Fabricators to mean "only" or "exclusive" in the preparation of our proposal. The terms are not synonyms with each other and are defined very different in our industry. This is equally supported by the fact the third bidder listed a millwork contractor that is not on the list of "acceptable fabricators". Furthermore the section itself provided detailed guidelines for establishing standards for an acceptable alternate subcontractor for the architectural woodwork on the project. As such we did not view the two listed firms as the only firms available in the preparation of our bid and did not submit a request for substitution as one was not necessary.

However, it should be noted that Pavilion Construction did contact both listed firms requesting bids. Millwork Sash and Door declined to bid the project. Architectural Millwork did provide our company with a proposal that was considerably higher in cost then our listed Subcontractor, Northwestern Design Inc. Upon review of the proposal provided by Northwestern Design Inc. it was determined to be a responsive bid and was in full compliance with all plans and specifications specifically section 06400 Architectural Woodwork.

In regards to the letter provided by Melchiori Construction Company dated 5/28/2010, they have made several references to an attached proposal provided by Northwestern Design Inc. to Melchiori Construction Company. They have implied that Pavilion Construction had excluded many of the sections and scope requirements under section 06400 based upon the bid provided to Melchiori Construction Company by our subcontractor. Respectfully we find this to be misleading, unsubstantiated, and not consistent with the specifications required for the project and our bid provided on May 27th. Please be advised that all requirements noted under section 06400 have been included with our Subcontractor Northwestern Design Inc. with the only exception of item 14 installation of marble countertops, which is addressed under item#11 below.

Melchiori Construction Company has specifically listed paragraphs within section 06400 they claim we are not in compliance with due to assumed exclusions that are incorrect. Please allow us clarify this and answer each of these individually. In comparing the documents submitted by Melchiori Construction Company with their bid protest letter to the bid package Pavilion Construction submitted the reason for the confusion is clear. Melchiori Construction Company did not receive the same consideration for a complete scope of work as required by the project from Northwestern Design Inc. All items listed below will clarify these issues as brought forth under the protest letter.

1. Subparagraph 2.05 B.1 Stile and Rail Glazed Doors
(Response – Included with listed subcontractor Northwestern Design Inc.)
2. Subparagraph 2.06 Wood Windows
(Response – Included with listed subcontractor Northwestern Design Inc.)
3. Subparagraph 2.08 Shop Finish
(Response – Included with listed subcontractor Northwestern Design Inc.)
4. Subparagraph 2.09 Factory Preparation of Doors
(Response – Included with listed subcontractor Northwestern Design Inc.)
5. Subparagraph 2.10 Shop Glazing
(Response – Included with listed subcontractor Northwestern Design Inc.)
6. Subparagraph 3.01 Interior Finish Work
(Response – Included with listed subcontractor Northwestern Design Inc.)
7. Subparagraph 3.02 Installation of Doors
(Response – Included with listed subcontractor Northwestern Design Inc.)
8. Subparagraph 3.03 Installation of Frames and Sash
(Response – Included with listed subcontractor Northwestern Design Inc.)
9. Subparagraph 3.04 Installation of Finish Hardware
(Response – Included with listed subcontractor Northwestern Design Inc.)



10. Subparagraph 3.05 Installation of Mirrors
(Response – Included with listed subcontractor Northwestern Design Inc.)
11. Subparagraph 3.07 Installation of Marble Countertops
(Response – The project calls for both Corian Countertops and Marble Countertops for the countertops within the bathrooms at each floor. Note 19 A9.3 conflicts with note 12 A4.1 for the same surface material. Pavilion Construction has included this work under our listed subcontractor GW surfaces. Furthermore it should be noted that the listed subcontractor Architectural Millwork by Melchiori Construction Company had specifically excluded both Corian and Marble Countertops.)

Finally, our glazing subcontractor was correctly listed by Pavilion Construction for work required under section 08800 Glazing and Section 13070 Bullet Resistant Construction. All glazing required under section 06400 Architectural Woodwork will be furnished and installed by Northwestern Design Inc in accordance with the specifications.

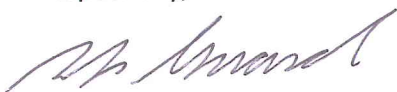
Environmental Controls - Section 15975

Pavilion Construction Company is fully aware of the sole source requirement for Novar/Trend HVAC Controls and that no substitutions will be allowed. Our proposal includes these control systems. However due to the complexity of the coordination involved we do not subcontract these controls direct and therefore they were not specifically listed within our proposal. However, the specified controls will be furnished and installed through our HVAC subcontractor. The option to use Pacific Climate Controls as a sub tier subcontractor will be determined by our subcontractor as long as the selected controls subcontractor meets the requirements of the specifications.

We look forward to working with you on this project. We have attached a copy of our millwork subcontractor's qualifications for your review and acceptance. You will find that their experience will meet or exceed all your expectations for the Architectural Woodwork for this project. I personally have over 20 years of experience working within our community on everything from Historical, Commercial, Hospitality, Retail, and Medical; including many high profile projects within the city and county of Santa Barbara. I'm confident that once you meet our team of professionals, you will have no problem in the selection of Pavilion Construction for your contractor on the Santa Barbara Historical Courthouse Public Defenders Remodel.

We respectfully request that you reject the protest filed by Melchiori Construction Company as presented to you on May 28th 2010. If you have any questions or concerns please contact me at your convenience.

Respectfully,



Rick Gerard
Regional Vice President California
Pavilion Construction

Cc: Brian Gerritz – Pavilion Construction

