

R. BURKE CORPORATION

865 CAPITOLIO WAY — P.O. BOX 957
SAN LUIS OBISPO, CA 93406-0957
PHONE (805) 543-8568 FAX (805) 543-2521
LICENSE No. 264193 — DIR REGISTRATION No. 1000007955



AN EQUAL OPPORTUNITY EMPLOYER

September 4, 2018

Thomas D Fayram
Deputy Director, Public Works
Water Resources Division
Santa Barbara County Flood Control and
Water Conservation District Office
Naomi Schwartz Building
130 E Victoria Street, Suite 200
Santa Barbara, CA 93101

Re: Debris Restoration Projects – Thomas Fire 1-9 Debris Flow Incident
Bid Protest

Dear Mr. Fayram,

On Thursday, August 30, 2018, R. Burke Corporation submitted the apparent low bid for the above subject project. On Friday, August 31, 2018 R. B Burke Corporation was notified by telephone that our bid did not acknowledge Bid Addendum Number 1 and was therefore being considered as "Non-responsive".

The project "Notice to Bidders" clearly states "Bidders (Plan Holders of Record) will be notified by electronic e-mail if addendums are issues. To date, we have no record of receipt of such an addendum nor have we been provided with a copy of the e-mail transmission of the addendum as requested on Friday, August 31, 2018.

There is no guarantee that our bid would have changed by exactly by \$20,000.00, if we would have received and acknowledged Addendum 1 prior to closing out our bid. However, we were denied the final opportunity to re-evaluate our final higher project bid total. Addendum Number 1 may have caused us to round our bid total down, closer the Engineer's Estimate, and potentially to where we were still the low bidder.

In all fairness, we request that the project be re-bid, with all Plan Holders of Record to receive the same Bid Documents and Addenda prior to the bid date

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Thank you for your consideration and please let us know your intentions.

Sincerely,

R. Burke Corporation



FOR

Robert E. Burke
President

Enclosure

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**SANTA BARBARA COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
NOTICE TO BIDDERS**

Sealed bids will be received until 2:00 PM, August 30, 2018, for the Debris Basin Restoration Projects - Thomas Fire 1-9 Debris Flow Incident at the front counter of the;

Santa Barbara County Flood Control and
Water Conservation District office
Naomi Schwartz Building
130 E. Victoria Street, Suite 200
Santa Barbara, CA 93101
Tel. (805) 568-3440

or

North County Public Works office
620 West Foster Road
Santa Maria, CA 93455
Tel. (805) 739-8750

Each bid will be publicly opened and read at or about that time.

GENERAL WORK DESCRIPTION: The Project generally consists of providing water pollution control; construction of gravel access roads; removal and reconstruction of damaged fences and railings, repair and reconstruction of concrete structures and appurtenances; removal and reconstruction of asphalt concrete pavement; and miscellaneous debris removal and site cleanup.

PROJECT LOCATION DESCRIPTION: The WORK occurs in unIncorporated areas of Santa Barbara County near Montecito and Carpinteria, California, within District owned property and easements.

Complete the work within forty five (45) working days.

Dodge Green Sheet Value Code F.

A non-mandatory pre-bid job walk is scheduled for Thursday, August 23, 2018, at 10:00 AM. Bidders interested in attending are to meet at the project site located on Olive Mill Road, just south of the Hot Springs Road intersection (Montecito Debris Basin). The job walk will include site visits of Montecito Debris Basin, Santa Monica Debris Basin and Gobernador Debris Basin.

The Plans, Specifications, Bid Book and other Contract Documents are available at no charge at:

<https://ebids.cosbpw.net/Contr/TrBidLogin.aspx>

No contractor or subcontractor may be listed on a bid proposal for a public works project (submitted on or after March 1, 2015) 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 (awarded on or after April 1, 2015) 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.

For each bid all forms must be filled out as indicated in the bid documents. The entire Bid Book must be submitted. Proposals by Bidder(s) not listed as a holder of plans and specifications on the Plan Holders of Record Sheets will be returned unopened.

Submit your bid with bidder's security equal to at least 10 percent of the Bid.

Pursuant to the provisions of Section 1770 et seq. of the California Labor Code, the Prime 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 is on file at the office of the Santa Barbara County Flood Control and Water Conservation District. In addition, the Prime Contractor shall be responsible for compliance with the requirements of Section 1777.5 of the California Labor Code relating to use of apprentice

labor on public works contracts. The OWNER policy is to encourage the employment and training of apprentices on its construction contracts as may be permitted under local apprenticeship standards.

Pursuant to Section 9204 of the Public Contract Code (Assembly Bill No. 626), all provisions of Section 9204 and Section 20104 et seq. of the Public Contract Code shall be considered as incorporated into and become an integral part of these contract documents.

Pursuant to Section 22300 of the Public Contract Code, and the project specifications, the Contractor may substitute securities for monies withheld to ensure contract performance.

The Contractor shall be subject to the provisions of Article XIII, Chapter 2, of the Santa Barbara County Code, prohibiting unlawful discrimination of employment practices.

The Bidder shall possess a Class A General Engineering Contractor license or a combination of Class C licenses which constitute the majority of the work in accordance with the provisions of Chapter 9, Division III of the Business and Professions Code at the time that the Bid is submitted. Failure to possess the required license(s) shall render the Bid as non-responsive and shall act as a bar to award of the Contract to any bidder not possessing said license.

Inquiries or questions based on alleged patent ambiguity of the plans, specifications or estimate must be submitted as a bidder inquiry prior to 2:00 p.m. on the Friday of the week preceding bid opening. Submittals after this date will not be addressed. Questions pertaining to this Project prior to Award of the Contract shall be directed to:

mgriff@cosbpw.net or (805) 568-3440

*rhork.com robb
↑
SENT ON Monday?*

Include "Project No. 18STM1" in the subject field.

→ Bidders (Plan Holders of Record) will be notified by electronic mail if addendums are issued. The addendums, if issued, will only be available on the County Website:

<http://www.countyofsb.org/pwd/pwwater.aspx?id=3600>

Bidders are required to acknowledge receipt of all addendums where noted on the Bid Form.

The OWNER reserves the right to reject any or all bids, to waive any informalities and/or inconsistencies in a bid, and to make awards to the lowest responsive, responsible bidder as it may best serve the interest of the OWNER.

Date: _____

OWNER: The Santa Barbara County Flood Control and Water Conservation District

By: _____

Thomas D. Fayram
Deputy Director, Public Works
Water Resources Division