

COUNTY OF SANTA BARBARA SANTA

**GRADY WILLIAMS, P.E.**  
Manager

**Robert Ooley, AIA**  
County Architect

**Celeste Manolas**  
Project Manager

**Jill Van Wie**  
Project Manager



**CAPITAL PROJECTS GROUP**  
SUPPORT SERVICES DIVISION  
GENERAL SERVICES DEPARTMENT

**John Green**  
Project Manager

**Todd Morrison, AIC, CPC**  
Project Coordinator

**Leonetta Wagstaff**  
Project Assistant

March 27, 2012

Mr. Tim Esmay  
Western Mechanical  
P.O. Box 1329  
Arroyo Grande, CA 93421-1329

**Subject: STC Development, Inc. Subcontractor Listing**  
**County of Santa Barbara, Lompoc Animal Shelter Renovation**  
**1501 W. Central Ave., Lompoc, CA 93436**  
Project No. 8592

Dear Mr. Esmay:

On Monday, March 19, 2012 the County of Santa Barbara received the attached notification from STC Development, Inc. that they had made a clerical error in listing your company on their subcontractor's list for the Lompoc Animal Shelter Renovation. STC Development, Inc. claims that J.R. Barto is the subcontractor that should have been listed and substituted them in your place on their revised subcontractor's list. Please respond within 5 working days of receipt of this letter if you have any objections to the substitution.

Sincerely,

Todd Morrison, Project Manager  
**COUNTY OF SANTA BARBARA**

encl.: as listed

**STC DEVELOPMENT INC.**

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P.O. Box 1490  
Shingle Springs, CA 95682  
Lic# 708077

Office (530) 677.5497  
Fax (530) 677.4548  
[kwstc@sbcglobal.net](mailto:kwstc@sbcglobal.net)

March 19, 2012

To: Todd Morrison  
County of Santa Barbara  
General Services Department, Capital Projects  
1105 Santa Barbara St.  
Santa Barbara, CA 93101

Re: Lompoc Animal Shelter  
Project #8592

STC Development, Inc. hereby gives notice pursuant to Public Contract Code 4107.5 that STC made an inadvertent clerical error in listing subcontractor Western Mechanical (HVAC subcontractor). In replacement of Western Mechanical, J. R. Barto, Lic #738011 of Lompoc will be doing the HVAC, division 15.

Sincerely,



Tara Carlson  
X104  
Tcarlson1699@att.net

Cc: Western Mechanical

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### DESIGNATION OF SUBCONTRACTORS


The bidder agrees if this proposal is accepted, that he will contract with the County of Santa Barbara to do all work and furnish all labor, materials, machinery, tools and apparatus necessary to completely perform said Contracts in the manner and time prescribed by said Contract.

County of Santa Barbara  
Lompoc Animal Shelter Renovation  
1501 W. Central Ave., Lompoc, CA 93436  
Project No. 8592  
Bid Date: March 15, 2012

In compliance with the provisions of Section 4100-4107 of the Public Contract Code of the State of California, and any amendments, thereof, the undersigned bidder has set forth below the name and location of the place of business of each subcontractor who will perform work or labor or render service to the undersigned in or about the construction of the work to be performed. That portion of the work which will be done by each subcontractor for each subcontract in excess of one-half of one percent of the undersigned's total aggregate bid shall be listed.

DIVISION OF WORK	SUBCONTRACTOR	LIC NO.	LOCATION
Div. 9 - Flooring	Floor Connection	665417	Arroyo Grande
Div. 15 - Plumbing	Pierce Plumbing	449492	Buellton
<del>Replace SC</del> Div. 15 - Heat & Air	<del>Waddell Mechanical</del>	<del>117668</del>	<del>Arroyo Grande</del>
Div. 15 - Refrigeration	Cal-Coast Refrigeration	647278	Santa Maria
Div. 4 - Masonry	Perez Masoary	516266	Santa Maria
Div. 2 - Seal Coat	BC Rincon Const.	776327	Fillmore
Div. 16 - Electrical	Kennedy Electric	736582	Shingle Springs
Div. 7 - Roofing	Derrick's Roofing	260984	Santa Barbara
Div. 7 - Insulation	Western Insulation	794484	Santa Maria
<del>New SC</del> Div. 15 - Heat & Air	J.R. Barto	738011	Lompoc

COMPANY: STC Development, Inc.

BY:   
Bidder's Signature

NOTE: This form may be reproduced and attached behind this page to list more Subcontractors.

STC Development, Inc.  
P.O. Box 1490  
Shingle Springs, CA 95682  
Lic. 708077  
Office : (530) 677-5497  
Fax: (530) 677-4548

# Fax

**To:** Todd Morrison, County of Santa Barbara **From:** Tara Carlson

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**Fax:** (805) 934-6560 **Pages:** 3

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**Phone:** **Date:** 3/19/2012

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**Re:** Job #8592 – Lompoc Animal Shelter **CC:**

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**Urgent**     **For Review**     **Please Comment**     **Please Reply**     **Please Recycle**

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Designation of Subcontractors

Sincerely,

Tara Carlson

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COUNTY OF SANTA BARBARA  
GENERAL SERVICES, FACILITIES DIVISION  
1105 SANTA BARBARA ST, SECOND FLOOR  
SANTA BARBARA, CA 93101

**CERTIFIED MAIL™**



7011 2000 0001 0237 3599

Mr. Tim Esmay  
Western Mechanical  
P.O. Box 1329  
Arroyo Grande, CA 93421-1329

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
  
Mr. Tim Esmay  
Western Mechanical  
P.O. Box 1329  
Arroyo Grande, CA 93421-1329

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature		<input type="checkbox"/> Agent
<input checked="" type="checkbox"/> X		<input type="checkbox"/> Addressee
B. Received by (Printed Name)	C. Date of Delivery	
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No		

3. Service Type	
<input type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

2. Article Number (Transfer from service label) 7011 2000 0001 0237 3599

## Morrison, Todd

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**From:** Tara Carlson <tcarlson1699@att.net>  
**Sent:** Tuesday, March 20, 2012 2:58 PM  
**To:** Morrison, Todd  
**Subject:** Re: Lompoc Animal Shelter

Hi Todd,

Western Mechanical was sent a copy of the same letter that we sent to you yesterday. Western had just recently submitted a bid to us on another County of Santa Barbara job, also in Lompoc. We made an inadvertent clerical error by mistakenly including their name on the designation of subcontractors for this job. They have not submitted a bid for this job#8592. Their bid was for the other job for which I believe, we did name them as a subcontractor. We got the two jobs confused. We have made several attempts to contact Western Mechanical by e-mail and by leaving messages but they do not answer their phone. In addition to the letter I sent them yesterday, another certified letter will go out to them today.

Tara Carlson  
STC Development, Inc.

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**From:** "Morrison, Todd" <Tmorris@co.santa-barbara.ca.us>  
**To:** "Tara Carlson (tcarlson1699@att.net)" <tcarlson1699@att.net>  
**Cc:** "kwstc@sbcglobal.net" <kwstc@sbcglobal.net>; "Williams, Grady" <gwilli@co.santa-barbara.ca.us>  
**Sent:** Tue, March 20, 2012 1:49:22 PM  
**Subject:** FW: Lompoc Animal Shelter

Hi Tara,

I have received your notice regarding the subcontractor listing clerical error. Below are public contract code sections pertaining to this issue. Has the former listed subcontractor received notice by certified or registered mail?

Todd Morrison, AIC, CPC  
Capital Projects

COUNTY OF SANTA BARBARA  
General Services Department  
912 West Foster Road  
Santa Maria , CA 93455  
ph. (805) 934-6228  
fx. (805) 934-6550  
[tmorris@co.santa-barbara.ca.us](mailto:tmorris@co.santa-barbara.ca.us)  
[www.countyofsb.org](http://www.countyofsb.org)

[www.professionalconstructor.org](http://www.professionalconstructor.org)

The bidder must claim a clerical mistake in writing within two days:

4107.5. The prime contractor as a condition to assert a claim of inadvertent clerical error in the listing of a subcontractor shall within two working days after the time of the prime bid opening by the awarding authority give written notice to the awarding authority and copies of that notice to both the subcontractor he or she claims to have listed in error and the intended subcontractor who had bid to the prime contractor prior to bid opening.

Any listed subcontractor who has been notified by the prime contractor in accordance with this section as to an inadvertent clerical error shall be allowed six working days from the time of the prime bid opening within which to submit to the awarding authority and to the prime contractor written objection to the prime contractor's claim of inadvertent clerical error. Failure of the listed subcontractor to file the written notice within the six working days shall be primary evidence of his or her agreement that an inadvertent clerical error was made.

The awarding authority shall, after a public hearing as provided in Section 4107 and in the absence of compelling reasons to the contrary, consent to the substitution of the intended subcontractor:

5103. The bidder shall establish to the satisfaction of the court that:

(a) A mistake was made.

(b) He or she gave the public entity written notice within five working days, excluding Saturdays, Sundays, and state holidays, after the opening of the bids of the mistake, specifying in the notice in detail how the mistake occurred.

(c) The mistake made the bid materially different than he or she intended it to be.

(d) The mistake was made in filling out the bid and not due to error in judgment or to carelessness in inspecting the site of the work, or in reading the plans or specifications.

## These are the grounds for substitution of subcontractors:

4107. A prime contractor whose bid is accepted may not:

(a) Substitute a person as subcontractor in place of the subcontractor listed in the original bid, except that the awarding authority, or its duly authorized officer, may, except as otherwise provided in Section 4107.5, consent to the substitution of another person as a subcontractor in any of the following situations:

(1) When the subcontractor listed in the bid, after having had a reasonable opportunity to do so, fails or refuses to execute a written **contract** for the scope of work specified in the subcontractor's bid and at the price specified in the subcontractor's bid, when that written

**contract**, based upon the general terms, conditions, plans, and specifications for the project involved or the terms of that subcontractor's written bid, is presented to the subcontractor by the prime contractor.

(2) When the listed subcontractor becomes insolvent or the subject of an order for relief in bankruptcy.

(3) When the listed subcontractor fails or refuses to perform his or her subcontract.

(4) When the listed subcontractor fails or refuses to meet the bond requirements of the prime contractor as set forth in Section 4108.

(5) When the prime contractor demonstrates to the awarding authority, or its duly authorized officer, subject to the

further provisions set forth in Section 4107.5, that the name of the subcontractor was listed as the result of an inadvertent clerical error.

(6) When the listed subcontractor is not licensed pursuant to the Contractors License Law.

(7) When the awarding authority, or its duly authorized officer, determines that the work performed by the listed subcontractor is substantially unsatisfactory and not in substantial accordance with the plans and specifications, or that the subcontractor is substantially delaying or disrupting the progress of the work.

(8) When the listed subcontractor is ineligible to work on a public works project pursuant to Section 1777.1 or 1777.7 of the Labor Code.

(9) When the awarding authority determines that a listed subcontractor is not a responsible contractor.



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Lic# 708077

Office (530) 677.5497  
Fax (530) 677.4548  
[kwstc@stcglobal.net](mailto:kwstc@stcglobal.net)

March 29, 2012

To: Todd Morrison  
County of Santa Barbara  
General Services Department, Capital Projects  
1105 Santa Barbara St.  
Santa Barbara, CA 93101

Re: Lompoc Animal Shelter  
Project #8592  
Designation of Subcontractors

STC Development, Inc. hereby gives notice pursuant to Public Contract Code 4107.5 that STC made an inadvertent clerical error in listing subcontractor Western Mechanical (HVAC subcontractor). In replacement of Western Mechanical, J. R. Barto, Lic #738011 of Lompoc will be doing the HVAC, division 15. STC confused Western's Mechanical's bid for another Lompoc job they had sent a bid for. STC got the two Lompoc jobs confused. J.R. Barto is to be the designated subcontractor for the Animal Shelter, job #8592. Both J.R. Barto and Western Mechanical have been notified in writing and by certified mail. In addition to the written notification by certified mail to Western Mechanical, STC made several earlier attempts in writing, by e-mail, and by phone and Western Mechanical still has not responded. The postal service will be making their 3<sup>rd</sup> and final attempt to deliver the certified letter sent by STC. J.R. Barto has received all written communication and STC is in receipt of J.R. Barto having received this notification.

I, Tara Carlson, Chief Executive Officer of STC Development, Inc., hereby swear that the above statement is true and correct

  
Tara Carlson

  
J.R. Barto

SEE ATTACHED  
NOTARY CERTIFICATE

State of California  
County of El Dorado

Subscribed and sworn to (or affirmed) before me on this 30<sup>th</sup>  
day of March, 2012, by Tara Delene Carlson

proved to me on the basis of satisfactory evidence to be the  
person(s) who appeared before me.



(Seal)

Signature Arianna Genetin

# J.R. BARTO

Heating/Air Conditioning/Sheet Metal, Inc.

300 North G St. • Lompoc, CA 93436

Telephone: (805) 736-5160 • Fax: (805) 737-0450

-License Number 738011-

March 29, 2012

Todd Morrison  
County of Santa Barbara  
General Services Dept., Capital Projects  
1105 Santa Barbara St.  
Santa Barbara, CA 93101

Re: Lompoc Animal Shelter  
Project #8592

Dear Mr. Morrison,

We received a certified letter from STC Development, Inc. stating the clerical error they made in the listing of an HVAC subcontractor for the above referenced job. We understand that we are to be the intended subcontractor on the project and agree to subcontract with STC for this work.

Sincerely,



Ross Lorencz  
Vice-President

Cc: Steve Carlson, STC Development.

# CALIFORNIA JURAT WITH AFFIANT STATEMENT

See Attached Document (Notary to cross out lines 1-6 below)  
 See Statement Below (Lines 1-5 to be completed only by document signer[s], *not* Notary)

1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_  
5 \_\_\_\_\_  
6 \_\_\_\_\_

Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

State of California

County of Santa Barbara

Subscribed and sworn to (or affirmed) before me on this  
29<sup>th</sup> day of March, 2012, by

(1) Ross Lorency  
Date Month Year  
Name of Signer

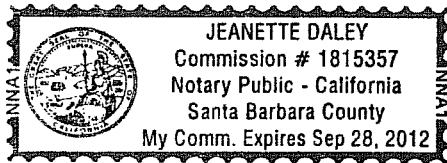
proved to me on the basis of satisfactory evidence to be the person who appeared before me (.) (.)

(and

(2) \_\_\_\_\_  
Name of Signer

proved to me on the basis of satisfactory evidence to be the person who appeared before me.)

Signature Jeanette Daley  
Signature of Notary Public



Place Notary Seal Above

## OPTIONAL

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

### Further Description of Any Attached Document

Title or Type of Document: Letter to County of Santa Barbara

Document Date: 3/29/12 Number of Pages: 1

Signer(s) Other Than Named Above: None

RIGHT THUMBPRINT  
OF SIGNER #1

Top of thumb here

RIGHT THUMBPRINT  
OF SIGNER #2

Top of thumb here