

# K.J. CAIN COMPANY, INC.

Certified DVBE Participant

Lic. #922737

April 3, 2012

County of Santa Barbara  
Attn: Michael Ledbetter  
Senior Deputy County Counsel  
105 East Anapamu St., #201  
Santa Barbara, CA 93101

Re: Veterans' Memorial Building Lompoc

Dear Mr. Ledbetter:

In response to STC Construction's protest letter, dated 3-6-2012 and your email dated 3-30-2012; having merit.

You refer in your letter that K.J. Cain Company, Inc. deviated from the roofing spec. 07320; regarding a specialty roofing (SUB) contractor and may have been giving K.J. Company, Inc. an advantage or benefit not allowing other bidders and could have affected the amount of our bid. This is completely False. Spec. section 07320, clay roofing tile 1.8 qualifications (B) Installer: Company specializing in performing the work of this section with minimum five years documented experience. This section does not state anything about a specialty sub-contractor. K.J. Cain Company, Inc. has employees that supersedes this specification. We estimate for the total labor, re-application of the roofing tile and underlayment to be less than one half of one percent. K.J. Cain Company, Inc. is therefore not obligated to list a sub-contractor.

Regardless of how long K.J. Cain Company, Inc. has been in business as a company, the fact is that we have more than 65 year combined experience with several licensed contractors in our work force. Our roofing contractor that is employed by K.J. Cain Company, Inc. is William Love who is licensed in the state of California (Lic #558612) and has over 20 years of clay roofing experience.

You also state public contract code section 4104 (a) (1), didn't comply. "That the location of the subcontractors' businesses be set forth". It also states. "**Or a subcontractor licensed by the state of California**". This information was included in are bid proposal. K.J. Cain Company, Inc. also submitted all the proper licenses to Jill Van Wie by email on February 17, 2012 due to the clerical error and also by email on February 20, 2012 with a sub list with no change in the subs this was all done per PCC 4107.5 "...prime contractor as a condition to assert a claim of inadvertent clerical error

P.O. Box 9404 ~ Santa Maria, CA 93456 ~ (805) 934-9795 ~ Fax (805) 614-9221

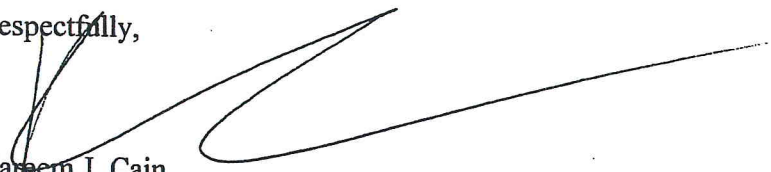
in the listing of a subcontractor shall within two working days after the time of the prime bid opening by the awarding authority give written notice to both the subcontractor he or she claims to have listed in error...".

The protest letter also states that Ian Tanner does not have the proper licensing for the hand rails, paint, concrete, demo, and the installing of the hand rails is incidental and therefore doesn't matter. This is also false due to the fact that Ian Tanner is having hand rails manufactured by others and does not need to list manufacture in the bid proposal.

Ian Tanner is performing 5 trades in the (ornamental Handrails & Railings).

The protest letter sent by STC is bogus and is trying to get K.J Cain Company, Inc. throwing out on grounds that have no merit what so ever do to the fact that STC was only a few thousand dollars above our bid. I will be attaching the previous emails that were sent on the rebuttal of the original protest.

Respectfully,



Karen J. Cain  
K.J. Cain Company, Inc.

Van Wie, Jill

---

**Subject:** FW: Lompoc Veterans' Memorial Building Project

**From:** Kareem Cain [mailto:kareem@kjcain.com]

**Sent:** Tuesday, April 03, 2012 10:09 AM

**To:** Ledbetter, Michael

**Subject:** Re: Lompoc Veterans' Memorial Building and Lompoc Animal Shelter Renovation Projects

Mr. Ledbetter,

In response, It is implied that KJ. Cain Co. Inc has deviated from specs requiring a specialty roofing subcontractor....When in fact it states...

#### 1.8 QUALIFICATIONS

A. Manufacturer: Company specializing in manufacturing the Products specified in this section with minimum five years documented experience.

B. Installer: Company specializing in performing the work of this section with minimum five years documented experience.

Per response to Jill dated March 13,....

*In response to Issue# 1: No error was made by identifying Ian Tanner as the subcontractor to perform the work for Metal Division. Second, Ian Tanner will not only be manufacturing the rails, but also providing demo and painting for us as well, all of which are "unrelated trades" and cannot be considered "incidental".*

*Finally, in response to Issue #3, it is a fact that KJ Cain has only been operating for 3 1/2 years,. However, as owner, I personally have over 12 years of construction management history and have collaborated a team who collectively has 55+ years of construction management experience. More importantly, our in-house roofer is highly experienced in this field and is more than qualified to fulfill job requirement specifications.*

*Noting the above facts, KJ Cain is qualified to perform and complete the work per plans and specifications.*

There is no deviation what so ever.....

Additionally, When the the license situation was brought to my attention, It was immediately corrected....(Clerical Error)

**From:** Wagstaff, Leonetta

**Sent:** Friday, February 17, 2012 8:12 AM

**To:** Van Wie, Jill

**Subject:** Cain Construction sub-license

Ian Tanner #899525

License number is for Mission Valley Painting with a mailing address Santa Margarita – license expired.

JR Barto #738011

License is Active

Elevation Eng #761053

Correct license #761953 and Active

Bassett Masonry

License #437675 and Active

Lastly, There was no bid protest procedures in the solicitation....

Kareem Cain

Owner

(805)934-9795 office

(805)614-9221 fax

(805)310-8111 cell



**From:** "Ledbetter, Michael" <[Ldbttr@co.santa-barbara.ca.us](mailto:Ldbttr@co.santa-barbara.ca.us)>  
**To:** "Kareem@KJCain.com" <[Kareem@KJCain.com](mailto:Kareem@KJCain.com)>  
**Cc:** "Wagstaff, Leonetta" <[wagstaff@co.santa-barbara.ca.us](mailto:wagstaff@co.santa-barbara.ca.us)>; "Van Wie, Jill" <[jvanwie@co.santa-barbara.ca.us](mailto:jvanwie@co.santa-barbara.ca.us)>; "Morrison, Todd" <[Tmorrison@co.santa-barbara.ca.us](mailto:Tmorrison@co.santa-barbara.ca.us)>; "Williams, Grady" <[gwilli@co.santa-barbara.ca.us](mailto:gwilli@co.santa-barbara.ca.us)>  
**Sent:** Tuesday, March 27, 2012 5:18 PM  
**Subject:** Lompoc Veterans' Memorial Building and Lompoc Animal Shelter Renovation Projects

Mr. Cain:

The bid protests filed in the Lompoc Veterans' Memorial Building Renovations and Lompoc Animal Shelter Renovations Projects have been referred to me for review.

I have concluded that the protest filed by STC as to your bid on the Lompoc Veterans' Memorial Building Renovations Project has merit, as the deviation from our spec requiring a specialty roofing subcontractor may have given you an advantage or benefit not allowed other bidders, and could have affected the amount of your bid. Additionally, your subcontractor list did not comply with the requirement of Public Contract Code Section 4104(a)(1) that the location of the subcontractors' businesses be set forth. Additionally, two of the four license numbers listed for subcontractors were incorrect.

A deviation from the bid requirements, even if minor, cannot be waived if it could affect the amount of the bid or confer an unfair competitive advantage. Please refer to the following authorities: *Domar Electric v. City of Los Angeles* (1994) 9 Cal. 4<sup>th</sup> 161; *Konica Business Machines v. Regents of University of California* (1988) 206 Cal.App.3d 449; 47 Ops.Cal.Atty.Gen. 129 (1966)

This email supersedes previous communications from General Services—Capital Projects Division regarding recommendations to be made to the Board of Supervisors in these matters. The purpose of this email is to give you early notice of my intended recommendations and their basis. Please direct any questions or comments to me at this email address or at the phone number or mailing address below.

The Public Works contracting process can be complex and challenging. I hope that you understand the reasons for my conclusions and will continue to bid on our projects.

Michael R. Ledbetter,  
Senior Deputy County Counsel  
County of Santa Barbara  
105 East Anapamu Street, Room 201  
Santa Barbara, California 93101  
(805) 568-2950  
(805) 568-2982 (FAX)

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 6, 2012

To: Jill Van Wie  
County of Santa Barbara  
General Services Department, Facilities Division  
1105 Santa Barbara St., East Wing, 3<sup>rd</sup> Floor  
Santa Barbara, CA 93101

Re: LVMB #8694  
Protest Prior to Awarding of Bid

STC Development, Inc. is hereby protesting an award of this job for the LVMB #8694, to lowest bidder, K.J. Cain, based upon the following.

- 1) K.J. Cain has identified Ian Tanner as a subcontractor to perform the work for Metals-Division 5 (05720 Ornamental Handrails & Railings) of Project Manual dated 1/16/12 (aka. Handrails/Railings). Per your e-mail and attachment dated 2/28/12, Ian Tanner has been identified by K.J. Cain as doing only one trade. No other trades have been listed for Ian Tanner and at this point, the time has been exceeded for K.J. Cain to change or modify that fact. If designating Ian Tanner to do the work for the Handrails/Railings was a clerical error on the part of K.J. Cain, K.J. Cain would have had two working days after the time of bid opening to bring written notice to you. This time has since past. Per PCC 4107.5 "...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 both the subcontractor he or she claims to have listed in error...".

It is understood that both K.J. Cain and Ian Tanner hold a B license for general contracting only. Pursuant to the Contractors License Law Sect. 7057 (b) of the Business & Professions Code, Division 3, Chapter 9. Contractors, Article 4. Classifications... "A general building contractor shall not take a subcontract involving trades other than framing or carpentry, unless the subcontract requires at least two unrelated trades or crafts other than framing or carpentry, or unless the general building contractor holds the appropriate license classification." In this circumstance, per the Contractors License Law, because Ian Tanner is only doing one trade, Metals-Division 5 (05720 Ornamental Handrails & Railings), he must hold a C-23 Ornamental Metal Contractors license, "...the appropriate license classification...", in order to fabricate and install the handrails and railings for this job. All of the additional trades performed under the scope of work for Metals-Division 5 (05720 Ornamental Handrails & Railings), including paint, concrete, and demo, are considered incidental and therefore cannot count as additional trades being performed to utilize Ian Tanner's class B license as a general contractor. This information has been verified in person with the Contractors State License Board. The Contractors State License Board further advised that Ian Tanner would have to have been designated as subcontractor under



additional work classifications/Divisions of the Project Manual dated 1/16/12, which he is not. Additionally, per Contractors State License Law, the only way Ian Tanner would be able to perform the work listed under Metals-Division 5 (05720 Ornamental Handrails & Railings), is if prime contractor, K.J. Cain, held a C-23 specialty license. Since both the prime contractor, K.J. Cain and the subcontractor, Ian Tanner, do not hold this C-23 specialty license, Ian Tanner cannot to do the work he is designated for.

- 2) In addition to Ian Tanner, K.J. Cain has designated only 3 other subcontractors (JR Barto, Elevation Engineers, and Bassett Masonry) for work on this job. Per PCC 4106, K.J. Cain must self perform all work that was not specifically designated to a subcontractor and per PCC 4106, K. J. Cain "...agrees that he or she is fully qualified to perform portion himself...". Per section 5.22.4 Subcontracts of the General Notes, K.J. Cain cannot now decide to subcontract any of these trades but with the exception of a "public emergency or necessity".
- 3) Per your e-mail and attachment dated 2/28/12, K.J. Cain states that he, K.J. Cain, will also self-perform the Roof. K.J. Cain holds a B license as a General and a C-35 for Lath and Plaster. K.J. Cain does not hold a Roofing license. Per the Project Manual dated 1/16/12 for this job, section 07320 – Clay Roofing Tile Part 1 Section 1.8 (B), the installer must be "Company specializing in performing the work of this section with minimum five years documented experience." Not only does K.J. Cain not hold a Roofing license, his company has only been in business for 3 ½ years and cannot therefore meet the minimum 5 years of documented experience that a company must meet in order to perform this specialty trade of Clay Roofing. Per PCC code, K.J. Cain cannot decide that he will sublet or subcontract this division of work out to a company or an individual with the required documented experience to satisfy the installer qualifications for the clay roof. Although our company STC Development, Inc. has been licensed as a general class B for over 17 years and has completed many roofs in-house, STC has designated subcontractor, Derrick's Roofing, as the subcontractor to remove/install this clay roof as Derrick's Roofing is one of the few contractors in the central coast that meets the qualifications set forth in the Project Manual.
- 4) In addition, both Ian Tanner and K.J. Cain must be licensed for the trade they are to perform "prior to awarding of the contract". This information can be found in section 6100. (A) of the Public Contract code. "Any state agency or department, as defined in Section 10357, which is subject to this code, shall, prior to awarding a contract for work to be performed by a contractor, as defined by Section 7026 of the Business and Professions Code, verify with the Contractors' State License Board that the person seeking the contract is licensed in a classification appropriate to the work to be undertaken." Obtaining the proper license after award of the bid and prior to commencement of the work is not acceptable. Having an application for these licenses prior to the awarding of the bid still does not satisfy Public Contract Code 6100 as previously mentioned.

STC has outlined exactly why K.J. Cain cannot act as the prime contractor for this job based upon insufficient licensing and qualifications of his own company and his designated subcontractor, Ian Tanner. Not only are the current licenses of Ian Tanner and K. J. Cain in violation of Contractors License Law for the work they intend to do but the licensing and lack of qualifications are also in direct conflict with the Public Contract Code, and do not meet the requirements of the Project Manual for LVMB. STC Development, Inc. submitted two full pages for its Designation of Subcontractors. STC has qualified subcontractors ready to complete the work for this job. In conclusion, as the second lowest bidder, STC should be awarded this bid as the prime contractor.

Sincerely,

Tara Carlson  
[Tcarlson1699@att.net](mailto:Tcarlson1699@att.net)

Attachment: see attached below and attached with this e-mail



# ROOF INSTALLATION SPEC

S.B. COUNTY - VETERANS MEMORIAL BUILDING, LOMPOC  
GENERAL SERVICES DEPARTMENT

PROJECT # 8694

- 9 Document proceedings, including corrective measures or actions required, and furnish copy of record to each participant.
- E. It is the intention of the Owner to insure all re-roofing (including underlayment, flashings, edging and tile) finish work is completed so as to match the existing materials and quality of installation. To this end, contractor is to coordinate with original manufacturers to insure product and application match.
- F. Quality Assurance Inspections: Manufacturers Field Reports, for periodic inspection/monitoring, are required as well as a "Notice of Warranty Continuance" upon completion.

## 1.5 DELIVERY, STORAGE, AND HANDLING

- A. Store roofing materials in a dry, warm, well-ventilated, weather tight location according to roofing system manufacturer's written instructions. Store rolls of felt and other sheet materials on end on pallets or other raised surfaces. Do not double-stack rolls.
- B. Handle and store roofing materials and place equipment in a manner to avoid significant or permanent damage to deck or structural supporting members.
- C. Do not leave unused felts and other sheet materials on the roof overnight or when roofing work is not in progress unless protected from weather and moisture and unless maintained at a temperature exceeding 50 deg F (10 deg C).
- D. Deliver and store liquid materials in their original undamaged containers in a clean, dry, protected location and within the temperature range required by roofing system manufacturer.
- E. Protect roofing insulation materials from physical damage and from deterioration by sunlight, moisture, soiling, and other sources. Store products in a dry location. Comply with insulation manufacturer's written instructions for handling, storing, and protecting during installation.

## 1.6 PROJECT CONDITIONS

- A. Weather Limitations: Proceed with roofing work only when existing and forecasted weather conditions permit roofing to be installed according to manufacturers' written instructions and warranty requirements.
- B. Contractor shall be limited to the area identified by the Owner for Storage and loading of materials.

## 1.7 WARRANTY

- A. General Warranty: The warranties specified in this Article shall not deprive the Owner of other rights the Owner may have under other provisions of the Contract Documents and shall be in addition to, and run concurrent with, other warranties made by the Contractor under requirements of the Contract Documents. Warranty shall be extendible.
  1. Contractors shall provide "Notice of Warranty Continuance" upon completion.

## 1.8 QUALIFICATIONS

- A. Manufacturer: Company specializing in manufacturing the Products specified in this section with minimum five years documented experience.
- B. Installer: Company specializing in performing the work of this section with minimum five years documented experience.

## 1.9 REGULATORY APPROVALS

- A. Tile and Tile Ties: Valid ICBO report and meeting 2007 CBC standard.
- B. Mortar: ICBO, Type M, Table 24-A.

## 1.10 DELIVERY, STORAGE AND HANDLING

- A. Deliver, store, protect and handle products to site under provisions of Division 1.
- B. Accept tile on site in packaging. Inspect for damage.
- C. Reinstallation of existing tile of good condition; Tile to be thoroughly inspected in conjunction with county inspector for determination of reuse.

## 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 Veterans Memorial Building Renovations  
100 E. Locust Ave., Lompoc, CA 93436  
Project No. 8694  
Bid Date: 3:00 P.M., Thursday, February 16, 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.

<u>DIVISION OF WORK</u>	<u>SUBCONTRACTOR</u>	<u>LIC NO.</u>	<u>LOCATION</u>
	Law Tanner	899525	
	SR Barto	738011	
	Electron. Eng	761053	
	Bassett Masonry		

COMPANY: L.T. Co. BY: [Signature]  
Bidder's Signature

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



Department of Consumer Affairs  
**Contractors State License Board**

**Contractor's License Detail (Personnel List)**

Contractor License #: 922737

Contractor Name: K J CAIN COMPANY

*Click on the person's name to see a more detailed page of information on that person*

NAME	TITLE	ASSOCIATION DATE	DISASSOCIATION DATE	CLASS	MORE CLASS
<a href="#">KAREEM JABBAR CAIN</a>	SOLE OWNER	09/24/2008		B	More

[Conditions of Use](#) | [Privacy Policy](#)  
Copyright © 2010 State of California

