



DIANI BUILDING CORP.
CONTRACTORS

July 2, 2012

County of Santa Barbara, General Services Department
Facilities Services Division
1105 Santa Barbara Street, 2nd Floor
Santa Barbara, California 93101

Attn: John Green

Subject: Bid Protest
Betteravia Administration Building "D" Addition
Project No 8676 PH2

Dear Mr. Green,

We wish to call attention to two questionable items in the bid submitted by K.J. Cain Construction Company.

1) The Instructions to Bidders and the Subcontractor Listing Law required bidders to list subcontractors who will perform work in excess of one-half of one percent (0.5%) of the contract price. K.J. Cain Construction Company listed Santa Maria Electric for "Electrical" but did not list any subcontractor to perform the fire alarm work. When we compiled our bid, none of the electrical contractors, including Santa Maria Electric included fire alarm work in the scope of the work and quotes we received from them. Instead, we obtained a separate price and listed Cosco Fire Protection to perform fire alarm work and listed and intended for Santa Maria Electric to perform only electrical work. Santa Maria Electric advised that they excluded fire alarm work from pre-bid quotes given to all of the bidders (see attached Letter), including K.J. Cain Construction Company, and did not, at any time, offer or agree to perform that scope of work for K.J. Cain Construction Company.

We subsequently learned that K.J. Cain Construction Company told the County of Santa Barbara that they intend to subcontract the fire alarm work to Santa Maria Electric. K.J. Cain Construction Company's statement directly contradicts the information we obtained from Santa Maria Electric, and though not apparent on the face of the bid, now, allows K.J. Cain Construction Company the opportunity to bid shop for a subcontract to perform the fire alarm work (Cosco Quote is \$21,000.00), or use the situation as grounds for mistake and attempt to withdraw its bid which would be a unfair advantage.

2) This project includes fire protection work that must be performed by a contractor duly licensed holding a "C-16" Fire Protection classification. K.J. Cain Construction Company holds a General Building, "B" and Lathing and Plastering "C35" classification license and does not also hold a "C-16" license. According to law a general building contractor cannot contract for any project that includes the "C-16" Fire Protection classification unless it also holds that same classification, or subcontracts with the appropriately licensed subcontractor. We are now informed K.J. Cain Construction Company told the County of Santa

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Barbara the fire protection work amounted to less than one-half of one percent of its total price, thus allowing them to subcontract the work to an qualified, but unlisted, subcontractor. If true, K.J. Cain Construction Company intends to subcontract the fire protection work for less than \$4,209.00.

All of the quotes for the fire protection work we received from qualified subcontractors holding C-16 license, exceeded \$4,209.00, the lowest being \$12,400.00. It is inconceivable that K.J. Cain Construction Company could have the fire protection work performed by a qualified subcontractor for less than \$4,209.00, thereby avoiding the listing requirements.

For the above reasons, we believe K.J. Cain Construction Company's bid is defective and should be rejected as non-responsive or not responsible. If necessary, the County of Santa Barbara should conduct appropriate hearings to determine whether K.J. Cain Construction Company is a responsible bidder and entitled to an award of this contract. We believe the circumstances justify rejection of K.J. Cain Construction Company's bid and that the County of Santa Barbara should award this contract to Diani Building Corp.

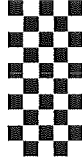
Respectfully,

Diani Building Corp.

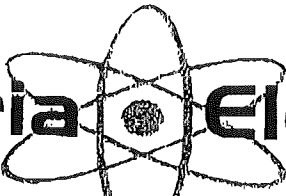
Michael J. Diani
President

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Santa Maria Electric, Inc.



SINCE 1946

July 2, 2012

To: Prequalified bidders of Santa Barbara county's Betteravia Government Center Building "D" addition

In Response to: Questions about fire alarm system

In regards to Santa Maria Electric's proposal for the Betteravia Government Center that bid on Thursday June 28th 2012; Santa Maria Electric **did not** provide a new fire alarm system or fire alarm system design or plans for this project per line Item #11 of our proposal exclusions list.

Thank you,

Colin Doyle
Estimator

