

**FELDMAN & ASSOCIATES, INC.**

ATTORNEYS AT LAW  
11030 SANTA MONICA BOULEVARD  
SUITE 109  
LOS ANGELES, CALIFORNIA 90025  
(310) 312-5401  
FACSIMILE (310) 312-5409

February 26, 2024

**VIA E-MAIL ONLY**

Raja Sethuraman  
Public Services Director  
City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92626  
[Raja.Sethuraman@costamesaca.gov](mailto:Raja.Sethuraman@costamesaca.gov)

Re: **CALIBA / COSTA MESA – FIRE**  
CALIBA, INC.’S RESPONSE TO KAZONI, INC.’S BID PROTEST  
PROJECT: Fire Station 4 – Training Facility, City Project No 23-04.

Dear Mr. Sethuraman:

Our office represents Caliba, Inc. (“Caliba”) with regard to its bid to the City of Costa Mesa (“City”) for the above referenced project (“Project”). This letter serves as Caliba’s response to Kazoni, Inc.’s (“Kazoni”) bid protest dated February 23, 2024. Caliba’s bid is responsive because it did not omit anything that would render the bid non-responsive.

**I. CALIBA WILL SELF-PERFORM MOST OF THE SCOPE OF WORK WITHOUT A LISTED SUBCONTRACTOR**

In its bid protest letter, Kazoni lists a number of trades for which Caliba listed no subcontractors for. This was intentional on Caliba’s part. Caliba intends to self-perform the following scope of work:

- Electrical
- Plumbing / Site Utilities
- The installation of:
  - 3,000-gallon Jensen Clarifier
  - 13,000-gallon Xerxies Fiberglass underground tank
  - Gas / Propane piper for training tower

## ATTACHMENT 3

- Water detention system.

There is nothing in the law that limits “B” license holders, such as Caliba, from self-performing as many trades as it wants (with the exception of “C-16” and “C-57” work). (*See Business and Professions Code* section 7057). Therefore, it is entirely appropriate for Caliba to self-perform the above listed scope.

Additionally, Caliba fully intends to self-perform all work in excess of 0.5% of the bid price and employs professionally skilled personnel for such work.

### **II. THE VALUE OF THE HVAC WORK IS LESS THAN OR EQUAL TO 0.5% OF THE BID PRICE**

Caliba is not required to list subcontractors whose value of work is less than or equal to one half of one percent of the bid price. *California Public Contract Code* section 4104(a)(1). Accordingly, Caliba’s HVAC subcontractor’s value of work does not exceed the one half of one percent requirement, and therefore, does not need to be listed on its bid.

### **III. CALIBA EMPLOYS QUALIFIED STAFF WHO ARE CAPABLE OF MEETING THE 24-HOUR A DAY EMERGENCY MANAGEMENT REQUIREMENT**

The bid requires that the successful bidder must have qualified staff on-hand for site utility emergencies, with 24-hour a day responsiveness. Any general contractor who has qualified staff who are capable of performing underground utilities can meet this requirement. Caliba is able to meet this requirement as it has done so in numerous K-12 public work projects.

### **IV. KAZONI’S BID WAS NON-RESPONSIVE**

The City’s online bid form required the bidding general contractors to list the price of their subcontractors. Attached as **Exhibit “A”** is a true and correct copy of Caliba’s online bid form showing the pricing for its listed subcontractors. In contrast, Kazoni failed to include the pricing for its subcontractors in the online bid form it submitted to the City. A true and correct copy of Kazoni’s online bid form is attached as **Exhibit “B.”**

Caliba respectfully requests that the City find Kazoni’s bid to be non-responsive for its failure to include its subcontractors’ pricing in its online bid form.

### **V. CONCLUSION**

Caliba complied with all requirements set forth by the City’s bid documents and the Public Contract Code. Caliba respectfully requests that the City deny Kazoni’s bid protest and award this Project to Caliba as the lowest responsive and responsible bidder.

Please contact the undersigned at [ameyers@feldmanandassoc.com](mailto:ameyers@feldmanandassoc.com) or at (310) 312-5407

ATTACHMENT 3

should you have any further questions.

Very Truly Yours,

A handwritten signature in blue ink, appearing to read 'Adam H. Meyers', written in a cursive style.

Adam H. Meyers, Esq.  
for FELDMAN & ASSOCIATES, INC.

Cc: Mark A. Feldman, Esq.; Client

# **EXHIBIT A**

# FIRE STATION NO. 4 - TRAINING FACILITY (SITE IMPROV...

## Bid Result Detail

*Showing 6 Subcontractors*

Continental Marble & Tile Company   License #: 394   License Type: C-54   \$60,829.00  
Porcelain Tile

**Grand Total**  
\$3,486,000.00

Done

Name

Address

ATTACHMENT 3

<p>Name</p> <p>Continental Marble &amp; Tile Company</p>		<p>Address</p> <p>2460 Anselmo Drive</p>	
<p>Amount</p> <p>\$60,829.00</p>	<p>Percent</p> <p>1.74%</p>		
<p>Description</p> <p>Porcelain Tile</p>		<p>City</p> <p>Corona</p>	
<p>Vendor Code</p>		<p>State</p> <p>California</p>	
<p>License Type</p> <p>C-54</p>		<p>Country</p> <p>United States</p>	
<p>License #</p> <p>394</p>		<p>Zip</p> <p>92879</p>	
<p>Exp. Date</p> <p>10/31/2024</p>			
<p>CADIR</p> <p>1000002594</p>			

DIAMOND CRETE CONCRETE COATINGS INC License #: 1067348 License Type: B,C-15  
 \$35,675.00 Quartz Flooring

<p>Name</p> <p>DIAMOND CRETE CONCRETE COATINGS</p>		<p>Address</p> <p>1684 BENTON WAY</p>	
<p>Amount</p> <p>\$35,675.00</p>	<p>Percent</p> <p>1.02%</p>		
<p>Description</p> <p>Quartz Flooring</p>		<p>City</p> <p>PERRIS</p>	
		<p>State</p>	

**Grand Total**  
 \$3,486,000.00

Country

ATTACHMENT 3

License Type  
 B, C-15 

Country  
 United States 

License #  
 1067348

Zip  
 92571

Exp. Date  
 06/30/2025 

CADIR  
 1000701616

---

Heyden Contracting License #: 1110191 License Type: B \$196,000.00 Concrete, Rebar, Steel

**Grand Total**  
 \$3,486,000.00

Name

Address

ATTACHMENT 3

Name Heyden Contracting		Address 19152 Shoreline Ln	
Amount \$196,000.00	Percent 5.62%	Unit 6	
Description Concrete, Rebar, Steel		City Huntington Beach	
Vendor Code		State California	
License Type B		Country United States	
License # 1110191		Zip 92648	
Exp. Date 09/30/2025			
CADIR 1001119616			

NH Environmental Inc License #: 984458 License Type: A,B,C-21,C-22 \$134,000.00  
Abatement & Demo

Name NH Environmental Inc		Address 229 N. California Ave	
Amount \$134,000.00	Percent 3.84%		
Description Abatement & Demo		City City of Industry	
		State	

**Grand Total**  
\$3,486,000.00

Country

ATTACHMENT 3

License Type  
A, B, C-21, C-22

Country  
United States

License #  
984458

Zip  
91744

Exp. Date  
06/30/2025

CADIR  
1000011312

Solar Power Supply License #: 1008748 License Type: B \$140,777.00 PV System

Name  
Solar Power Supply

Address  
12000 Magnolia Ave

Amount  
\$140,777.00

Percent  
4.04%

Suite 100A

Description  
PV System

City  
Riverside

Vendor Code

State  
California

License Type  
B

Country  
United States

License #  
1008748

Zip  
92503

Exp. Date  
11/30/2025

CADIR  
1000011312

**Grand Total**  
\$3,486,000.00

**ATTACHMENT 3**

Stumbaugh and Associates Inc. License #: 288724 License Type: C-61,D24,D34  
\$10,802.00 Toilet Accessories

Name  
Stumbaugh and Associates Inc.

Address  
3303 N. San Fernando Blvd.

Amount  
\$10,802.00

Percent  
0.31%

Description  
Toilet Accessories

City  
Burbank

Vendor Code

State  
California

License Type  
C-61, D24, D34

Country  
United States

License #  
288724

Zip  
91504

Exp. Date  
04/30/2024

CADIR  
1000004145

**Grand Total**  
\$3,486,000.00

# **EXHIBIT B**

## FIRE STATION NO. 4 - TRAINING FACILITY (SITE IMPROV...

## Bid Result Detail

*Showing 12 Subcontractors*

ABC Resources, Inc. License #: 538680 \$0.00 asphalt paving

Concrete Protection Systems West Inc License #: 988985 \$0.00 Epoxy

Danny Letner Inc, License #: 689961 License Type: B,C-39,C-43 \$0.00 roofing

Empire Steel Erectors License #: 1072887 License Type: C-51 \$0.00 Structural Stell

HPS Mechanical, Inc. License #: 793014 License Type: A,B,C-2,C-4,C-10,C-16,C-20,C-34,C-36,C-42,C-43,C-46,HAZ \$0.00 Plumbing, site utilities

J Colavin &amp; Sons License #: 260803 \$0.00 ceramic tile

JG Concrete Inc License #: 699433 \$0.00 Concrete

Modern Metal Framing License #: 1073632 \$0.00 Drywall

Option One Corporation License #: 985340 \$0.00 Solar Panels

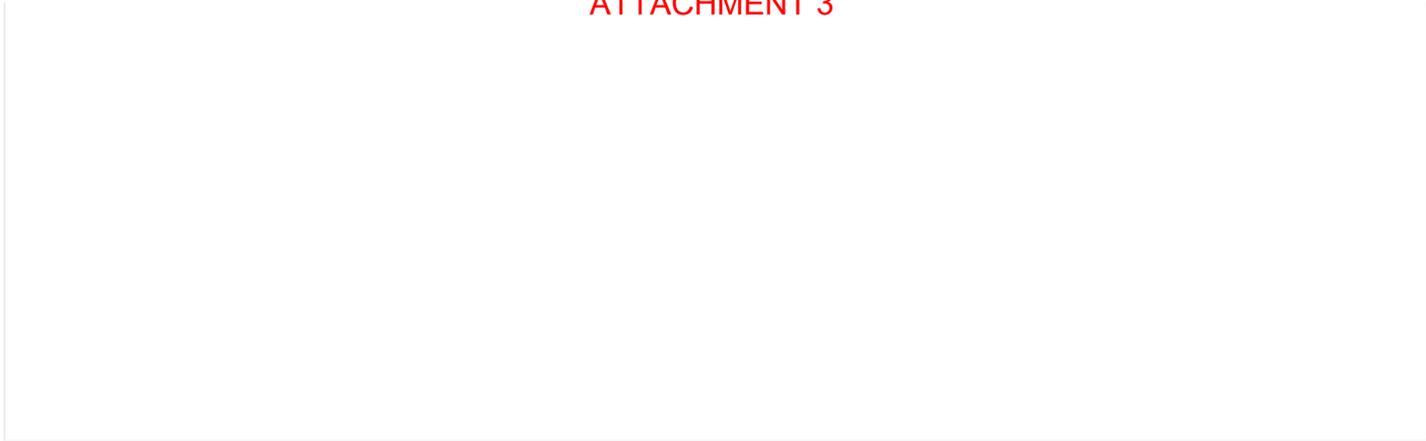
Picture Painting License #: 1002685 \$0.00 Painting

Siege Electric License #: 1001521 \$0.00 Electrical

T3 Contractors Inc. License #: 867365 License Type: C-21,ASB,HAZ,C-22 \$0.00  
demolition & abatement**Grand Total**  
\$7,103,000.00

Done

**ATTACHMENT 3**



**Grand Total**  
\$7,103,000.00