ATTACHMENT 3

FELDMAN & ASSOCIATES, INC.

ATTORNEYS AT LAW
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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

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

- 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 or at (310) 312-5407

should you have any further questions.

Very Truly Yours,

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

Cc: Mark A. Feldman, Esq.; Client

ATTACHMENT 3

EXHIBIT A

ATTACHMENT 3

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

Name
Continental Marble & Tile Company

Address
2460 Anselmo Drive

Amount
$60,829.00

Percent
1.74%

Description
Porcelain Tile

City
Corona

Vendor Code

State
California

License Type
C-54

Country
United States

License #
394

Zip
92879

Exp. Date
10/31/2024

CADIR
1000002594

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

Name
DIAMOND CRETE CONCRETE COATINGS

Address
1684 BENTON WAY

Amount
$35,675.00

Percent
1.02%

Description
Quartz Flooring

City
PERRIS

State

Grand Total
$3,486,000.00

Country

ATTACHMENT 3

License Type
B, C-15

License #
1067348

Exp. Date
06/30/2025

CADIR
1000701616

Country
United States

Zip
92571

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

State
California

Vendor Code

Country
United States

License Type
B

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

License #
984458

Exp. Date
06/30/2025

CADIR
1000011312

Country
United States

Zip
91744

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

Name
Solar Power Supply

Amount
$140,777.00

Percent
4.04%

Description
PV System

Vendor Code

License Type
B

License #
1008748

Exp. Date
11/30/2025

CADIR

Address
12000 Magnolia Ave

Suite 100A

City
Riverside

State
California

Country
United States

Zip
92503

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

State
California

Vendor Code

Country
United States

License Type
C-61, D24, D34

License #
288724

Zip
91504

Exp. Date
04/30/2024

CADIR
1000004145

Grand Total
$3,486,000.00

EXHIBIT B

ATTACHMENT 3

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

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

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

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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

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J Colavin & 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

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Grand Total
$7,103,000.00

Done

ATTACHMENT 3

Grand Total
$7,103,000.00