



COUNTY OF MENDOCINO

Executive Office

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April 24, 2020

Art Hoover
Matrix HG
10 Commercial Blvd., Suite 100
Novato, CA 94949

RE: BID 08-20 – Administration Center Roof and HVAC Replacement Project Phase 2 – Bid Protest

Dear Mr. Hoover:

On April 17, 2020, you submitted a protest regarding the bid of Cupples and Sons Construction, Inc. (Cupples), on the Mendocino County Administration Center Roof and HVAC Replacement Project Phase 2 and requested the County reject that bid as incomplete and non-responsive. The bid protest alleges that Cupples failed to abide by Public Contract Code sections 4104 and 4105 and the Project Bid documents by not listing ESI of Sacramento as a subcontractor for Delta Controls.

The County has reviewed your bid protest letter and the response provided by Cupples (attached) and has found that the required Delta Controls contractor is included as part of the work of the listed subcontractor Lawson Mechanical Contractors (Lawson) and would not be required to be listed by Cupples.

Furthermore there is no evidence of any device to circumvent the subcontractor listing requirements. Control work is included in the Mechanical Specifications covered by the Lawson bid and Cupples represents that Lawson's bid is not a majority of the total prime contract bid. Cupples subcontractor listing form includes seven other contractors suggesting a good faith effort to comply with subcontractor listing requirements. The County finds that the alleged listing error was not in violation of Public Contract Code sections 4104 or 4105 and did not provide the contractor with an unfair advantage on the bid.

The Mendocino County Board of Supervisors will be considering the award of BID 08-20, the Mendocino County Administration Center Roof and HVAC Replacement Project Phase 2, at their scheduled meeting on May 19, 2020 at a time to be determined. You may appeal the County's finding for Award to Cupples and Sons Construction, Inc. at this meeting. Please advise Assistant Facilities Manager Doug Anderson of your Intent to Appeal by 5:00 on Friday, May 1st so we can allocate appropriate time for this matter on the Agenda.

Sincerely,

Steve Dunnicliff as Purchasing Agent
County of Mendocino

cc: County Counsel
Executive Office/Facilities and Fleet Division
Cupples & Sons Construction, Inc.