



CITY OF RANCHO CUCAMONGA

MEMORANDUM

Engineering Services Department

DATE: April 16, 2025

TO: Mayor and Members of the City Council

FROM: John R. Gillison, City Manager

BY: Jason C. Welday, Director of Engineering Services/City Engineer
Marlena Perez, Principal Engineer
Krystal Lai, Associate Engineer

SUBJECT: Bid Protest Letter from Wright Construction Engineering Corp. and Response Letter from CT&T Concrete Paving Inc. for the Heritage Park Bridge Replacement Project. (CITY)

REVISION:

On April 1, 2025, bids were opened for the Heritage Park Bridge Replacement Project (Project). A total of 14 construction bids were received on PlanetBids, the City's electronic bidding software, but two (2) bidders were considered nonresponsive bidders. City staff determined the apparent lowest responsive bidder to be CT&T Concrete Paving Inc. (CT&T), in the amount of \$1,655,100.

On April 15, 2025, the City Clerk's Office received a bid protest letter from Wright Construction Engineering Corp. (Protester). The letter claimed that the bid package submitted by the CT&T should be deemed nonresponsive due to a lack of required experience and a failure to list mandatory subcontractors. The Protestor alleges that the three projects provided by the CT&T on the bid forms are not similar work to the Project and therefore do not demonstrate CT&T's ability to successfully perform the Contract. The Protestor also alleges that CT&T failed to list a subcontractor for land surveying and that CT&T does not hold a California Land Surveyors License, thereby rendering them unqualified to perform the contract. The protest letter is included as Attachment 1.

CT&T provide a formal response to the protest letter indicating that they have completed multiple projects of similar size and scope and included examples of these projects. CT&T clarified that they contracted On-Point Land Surveying, Inc., a firm with Licensed Land Surveyors on staff, for the surveying portion of the Project. However, the portion of the survey work does not exceed 0.5% and therefore they were not required to list them as a Subcontractor on the bid forms per the Instruction to Bidders. The response letter is included as Attachment 2.

Engineering staff has reviewed both the protest letter and the response letter. Staff have determined that the bid package submitted by CT&T is responsive and in accordance with the bid requirements, with any irregularities being inconsequential. CT&T is therefore still the apparent lowest responsive bidder for the Project.

RECOMMENDATION:

Staff recommends the City Council:

1. Receive and file this Memorandum and item D9 of the Consent Calendar, waive any minor irregularities,
2. Approve the plans and specifications for the Heritage Park Bridge Replacement Project (Project), on file with the City Engineer;

3. Accept the bids received for the Project;
4. Award and authorize the execution of a contract in the amount of \$ \$1,655,100 to the lowest responsive bidder CT&T Concrete Paving Inc., for the total bid amount;
5. Authorize the expenditure of a 15% contingency for the construction contract, in the amount of \$248,270;
6. Accept award in the amount of \$750,000 from San Bernardino County through the County Board Discretionary Fund Priorities Program; and
7. Authorize an appropriation of revenues and expenditures, both in the amount of \$750,000 from the Infrastructure Fund (Fund 198).

ATTACHMENTS:

Attachment 1 – Protest Letter from Wright Construction Engineering Corp.

Attachment 2 – Response Letter from CT&T Concrete Paving Inc.

Wright Construction Engineering Corp
 2625 S. Santa Fe Avenue
 San Marcos, CA 92069
 Tel 760-599-3915 x 102
 Fax 760-599-3920
 Wwright@wcec.net



RECEIVED

APR 15 2025

**CITY CLERK
 CITY OF RANCHO CUCAMONGA**

SENT VIA CERTIFIED MAIL & EMAIL
 (RUTH.CAIN@CITYOFR.C.COM
 &KIM.SEVY@CITYOFR.C.COM)

April 10, 2025

To: City Clerk (Kim Sevy) & Procurement Manager (Ruth Cain)
 City of Rancho Cucamonga
 10500 Civic Center Dr.,
 Rancho Cucamonga, CA 91730

RE: Heritage Park Bridge Replacement Project

Subject: Formal Bid Protest- CT&T Concrete Paving, Inc. Bid Proposal

To Whom It May Concern,

Wright Construction Engineering Corp hereby formally submits this bid protest regarding the apparent low bidder, CT&T Concrete Paving, Inc. for the Heritage Park Bridge Replacement Project that occurred on April 1, 2025. Based on our review of their bid package, we have identified material violations of the bid specifications and California Public Contracting Laws that render CT&T Concrete Paving, Inc. a non-responsive and non-responsible bidder under the terms and applicable law.

1) Lack of Required Experience (Failure to Meet Minimum Qualifications)

The project specifications, page N-7, Paragraph H: Competency of Bidder (See Attached Exhibit "A"), specifically states that the bidder shall be licensed under the provisions of Chapter 9, Division 3, of the Business and Professions Code of the State of California to do the type of work contemplated in the contract and shall be skilled and regularly engaged in the general class or type of work called for under the contract and to assist in the determination of competency, the Contractor shall complete the "Bidder Information" form. The Bidder Information Form that was provided at the time of bid on behalf of CT&T Concrete Paving, Inc (See Attached Exhibit "B") had specifically required all bidders to provide at least three projects of similar work that have been recently completed of which CT&T Concrete Paving, Inc had provided three projects that at face value do not meet and/or match the scope of work that was specified within the contract documents. Wright Construction would also like to point out the fact that under Public Contracting Code Section 1101 it states that a bidder must demonstrate the ability to successfully perform the contract and that CT&T Concrete Paving, Inc.'s failure to show relevant experience is **grounds for rejection of their bid as non-responsive and non-responsible.**

2) Failure to List Mandatory Subcontractors (Violation of California Subletting and Subcontracting Fair Practice Act). CT&T Concrete Paving, Inc **failed to list** subcontractors (See Attached Exhibit "C") for a key component of the project requirements (Surveying) of which this scope of work would have exceeded the 0.5% of their bid amount, making theme mandatory to list under **California Public Contracting Code**

Section 4104. Moreover, CT&T Concrete Paving, Inc. does not hold a California Land Surveyors License, which is required to perform the work independently and that this omission constitutes a **direct violation** of the **California Subletting and Subcontracting Fair Practices Act Section 4100 & 4114**, which states that failure to list the required subcontractors to perform the required work is subject for rejection of a bid proposal.

- 3) **Competitive Prejudice and Bid Fairness Violation.** The violations illustrated above create an unfair competitive advantage for CT&T Concrete Paving, Inc at the expense of all fully compliant bidders including Wright Construction Engineering Corp. Allowing a non-compliant bid to be considered furthermore **compromises the integrity of the public bidding process and violates California Competitive Bidding Laws (Public Contract Code Section 100 et seq.)**

Request for Corrective Action

Given these clear violations, we formally request that the City of Rancho Cucamonga:

- 1) Reject CT&T Concrete Paving, Inc bid as non-responsive and non-responsible based on the aforementioned deficiencies
- 2) Award the contract to the next lowest responsive and responsible bidder, which is Wright Construction Engineering Corp
- 3) If necessary, conduct a formal review hearing in accordance with Public Contracting Code Section 10306 to ensure the bid protest is properly adjudicated.

Wright Construction appreciates the opportunity to provide the City with a responsive bid proposal and for the City's prompt attention to this matter and we look forward to your decision. Please confirm receipt of this protest and provide a timeline for review.

Thank You,



Wesley Wright

WRIGHT CONSTRUCTION ENGINEERING CORP

Exhibit "A"

specifications and the special provisions.

In case of a discrepancy between the quantities shown on the plan as final pay quantities and the quantity of the same item shown in the Engineer's Estimate, payment will be based on the final pay quantities shown on the plans.

H. COMPETENCY OF BIDDER

The bidder shall be licensed under the provisions of Chapter 9, Division 3, of the Business and Professions Code of the State of California to do the type of work contemplated in the contract and shall be skilled and regularly engaged in the general class or type of work called for under this contract. To assist in the determination of competency, the Contractor shall complete the attached "Bidder Information" form.

I. AWARD AND EXECUTION OF CONTRACT

Acceptance or Rejection

The City of Rancho Cucamonga, reserves the right to reject any or all bids. **The City reserves the right to waive inconsequential errors and/or irregularities.**

Award of Contract (USE FOR BASE BID ONLY)

The lowest responsive bidder will be calculated per Section 20103.8 (a) of the Public Contract Code as the lowest bid price on the base contract without consideration of additive (or deductive) items. The award of a contract, if it be awarded, will be to the above lowest responsive bidder.

No proposal will be considered from a Contractor who is not registered as a prospective bidder on the City's Planet Bids website.

The award, if made, will be made as expeditiously as possible after the opening of the proposals and in recognition of Section A.7. above. In no case will an award be made until all necessary investigations are made into the responsibility of the bidder to whom it is proposed to award the contract.

Contractor shall possess any and all contractor licenses, in form and class as required by any and all applicable laws with respect to any and all of the work to be performed under this contract; including, but not limited to, a Class "A" License (General Engineering Contractor) or Class A in accordance with the provisions of the Contractor's License Law (California Business and Professions Code, Section 7000, et. seq.) and rules and regulations adopted pursuant thereto at the time this contract is awarded.

Bonds

The Contractor shall furnish a good and sufficient surety bond issued by a surety company authorized to do business in the State of California in the sum equal to 100% of the total bid, conditioned for the Faithful Performance by the Contractor of all covenants, stipulations any agreements contained in said contract; an addition, the Contractor shall furnish a Labor and

Exhibit "B"

BIDDER INFORMATION

The bidder shall furnish the following information. Additional sheets may be attached if necessary.

Name of Firm: CT&T Concrete Paving Inc

Type of Firm: ☒ Corporation ☐ Individual ☐ Partnership

Business Mailing Address: 324 S. Diamond Bar Blvd, PMB 275, Diamond Bar, Ca 91765

Place of Business: 1054 E Third St. Pomona CA, 91766

Telephone No.: (909) 629-8000 ext 102

Contractor's License: State: CA License No.: 875627

Public Works DIR No.: 1000025154

Names and titles of all members of the firm:

| | |
|------------------------|----------------------------------|
| <u>Jose Carvajal</u> | <u>President & Secretary</u> |
| <u>Jackie Carvajal</u> | <u>Treasurer</u> |
| <u></u> | <u></u> |
| <u></u> | <u></u> |

Number of years as a contractor in construction work of this type: 24

Three projects of this type recently completed:

| <u>Contract Amount</u> | <u>Type of Project</u> | <u>Date Completed</u> | <u>Owner's Name & Address</u> |
|------------------------|--|-----------------------|--|
| <u>\$ 1,158,895.00</u> | <u>Construction of missing sidewalks + segments, handicap ramps, and street lights (see [?])</u> | <u>10/17/2024</u> | <u>City of Ontario, 303 E B St Ontario, CA 91764</u> |
| <u>\$ 1,158,895.00</u> | <u>Maintenance Project: R/R Sidewalk, Curb & Gutters, and Drive Approaches</u> | <u>9/21/2024</u> | <u>LA County Public Works, 900 S. Fremont Ave, Alhambra, CA</u> |
| <u>\$ 3,000,000.00</u> | <u>Maintenance Project: R/R Sidewalk, Curb & Gutters, and Drive Approaches</u> | <u>8/3/2022</u> | <u>LA County Dept. Public Works, 900 S Fremont Ave, Alhambra, CA 91803</u> |

Person who inspected site of the proposed work for your firm:

Name: Jose Carvajal Inspection Date: 3/3/2025

NOTE: If requested by the City, the Bidder shall furnish a notarized financial statement, references, and other information, sufficiently comprehensive to permit an appraisal of his current financial condition.

Exhibit "C"

SUBCONTRACTORS INFORMATION

In compliance with Section 2-3 of the Standard Specifications and the Provisions of the Public Contract Code Section 4100, the undersigned bidder herewith sets forth the name, location of the place of business and California Contractors License Number of each subcontractor who will perform work or labor or render service to the general contractor in or about the construction of the work or improvement in an amount in excess of onehalf of one percent (1/2%) of the general contractor's total bid or, in the case of bids or offers for the construction of streets or highways, including bridges, in excess of onehalf of one percent (1/2%) of the general contractor's total bid or ten thousand dollars (\$10,000.00), whichever is greater and the portion of the work which will be done by each subcontractor as follows:

| Subcontractor's Name | Business Address | License No | DIR No. | Description of Work | Percent (%) of Total Bid |
|----------------------------------|--|------------|------------|---------------------|--------------------------|
| MARINA LANDSCAPE, INC. | 3707 W. Garden Grove Blvd Orange, CA 92868 | 492862 | 1000000079 | Landscape | 3.81% |
| PCI | 975 W 1st St Azusa, CA 91702 | 60183 | 1000813536 | Signing & Striping | 0.61% |
| ALCORN FENCE COMPANY | 6445 PEDLEY ROAD, RIVERSIDE, CA 92509 | 122954 | 1000001986 | Fencing | 8.09% |
| Curtis Drilling Co | 1249 W. Washington Ave, Escondido, CA 92029 | 624663 | 100006928 | Drilling | 8.40% |
| AUSTIN ENTERPRISE | P. O. Box 81926 Bakersfield, CA. 93380 | 764893 | 1000001896 | Joint Seal | 0.86% |
| Crosstown Electrical & Data Inc. | 5454 Diaz Street, Irwindale, CA 91706 | 756309 | 1000000155 | Electrical | 4.63% |
| Integrity Rebar Placers | 1345 Nandina Ave, Perris, CA 92571 | 533729 | 1000005302 | Rebar | 6.54% |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Total % of the work to be performed by Subcontractors listed above: 32.95% %

Effective July 1, 2014, the bidder shall provide the California Contractor License Number of each subcontractor listed. New Section 4104 contains the following language:

"An inadvertent error in listing the California contractor license number provided pursuant to paragraph (1) shall not be grounds for filing a bid protest or grounds for considering the bid nonresponsive if the corrected contractor's license number is submitted to the public entity by the prime contractor within 24 hours after the bid opening and provided the corrected contractor's license number corresponds to the submitted name and location for that subcontractor."



324 S. Diamond Bar Blvd., PMB275
Diamond Bar, CA 91765
Office (909) 629-8000 Fax (909) 629-8001

April 16th, 2025

City of Rancho Cucamonga
10500 Civic Center Dr.,
Rancho Cucamonga, CA 91730

Re: Heritage Bridge Replacement Project

Subject: Response to Formal Bid Protest

To Whom It May Concern:

Introduction

This letter serves as CT&T Concrete Paving Inc.'s (CT&T) response to a protest of award letter submitted by Wright Construction Engineering Corp. on April 15th, 2025. In this letter we will address the following claims made by Wright Construction Engineering Corp: (1) CT&T fails to meet the minimum qualifications and lacks the required experience to perform the job; (2) CT&T failed to list a subcontractor for a key component of the project.

1. CT&T Fails to Meet the Minimum Qualifications

Wright Construction Engineering Corp. posits that the three recently completed projects listed by CT&T Concrete Paving Inc. fail to meet and/or match the scope of work that was specified within the contract documents. Section H (Competency of Bidders) of the Instructions to Bidders for the Heritage Bridge Replacement Project states that:

“The bidder shall be licensed under the provisions of Chapter 9, Division 3, of the Business and Professions Code of the State of California to do the type of work contemplated in the contract and shall be skilled and regularly engaged in the general class or type of work called for under this contract.”

In response to this, CT&T listed three recently completed projects, over \$1,000,000 that required a Class A (General Engineering) contractor's license. The scopes of work on the aforementioned projects demonstrate CT&T Concrete Paving's ability to complete General Engineering work in the public sector on a larger scale. CT&T Concrete Paving Inc. has performed General Engineering work in both the public and private sector for various agencies. Please see additional references highlighting CT&T Concrete Paving's ability to perform work of a similar nature:

- a. City of Cathedral City (2019)
 - i. CV Link – White Water Bike Path, Project No. 7015

- ii. Construction of a 3.5 Mile Bike Trail with 3 Underpass Bridge Structures
 - iii. Contact: Bill Simmons, PE (760)770-0360
- b. Orange County Public Works Department (2023)
 - i. Olive Heights Sidewalk Gap Closure, Agreement No. MA-080-22011013
 - ii. Construction of sidewalk and structural retaining wall to improve accessibility in an unincorporated community in the County of Orange
 - iii. Contact: Teddy Kamarzarian, PE (714) 955-0315
- c. 2021 Laguna Beach Mixed Use Project
 - i. 1369 Coast Highway, Laguna Beach, CA
 - ii. Construction of 14,000 SF Structural Concrete Podium Deck
 - iii. Contact: Jaik Choi, PE (949) 951-2522

2. CT&T Failed to List Mandatory Subcontractors

To clarify, CT&T intends to subcontract On-Point Land Surveying, Inc. (LS 8133) for the surveying portion of the project, specifically for the survey control, walls, and bridge abutments as required by the project requirements. The portion of the work does not exceed the 0.5% of the bid amount. CT&T Concrete Paving Inc. has included in their budget a contingency amount if additional surveying is required throughout the course of construction.

3. Conclusion

For the reasons stated above, CT&T maintains their status as a responsive bidder. CT&T Concrete Paving Inc. trusts the City of Rancho Cucamonga to perform its due diligence on each contractor who has submitted a bid for the above referenced project. We appreciate your time and attention to this matter.



Jose Carvajal
President
CT&T Concrete Paving Inc.

CC: Jackie Carvajal, Officer