



SOUTHERN CALIFORNIA DISTRICT COUNCIL OF LABORERS
ORGANIZING DEPARTMENT



ORGANIZING CALIFORNIA IN CONSTRUCTION

Humberto M. Gomez

Director

August 11, 2009

Mr. Thomas Banks
Senior Engineer
City of Costa Mesa
77 Fair Dr.
Costa Mesa, Ca. 92625

Subject: Rehabilitation of Tustin Avenue (From 15th street to 17th street) City Project No. 09-15

Dear Mr. Banks:

The Southern California District Council of Laborers (SCDCL) Organizing Department is in receipt of your response regarding the bid protest submitted by our office. Your letter states that on page P-4 of the proposal your agency requests bidders to list references within the last 24 months to evaluate the contractor's experience in terms of recent experience on relevant public works projects. The SCDCL finds that CJ Construction failed to list references in the last 24 months as requested by your agency which makes their bid non responsive at the time of bid opening.

Your letter also states that your City has reviewed references submitted by the contractor in their bid as well as the additional project references submitted by CJ Construction and found them to be satisfactory. The SCDCL finds that your agency allowed CJ Construction to submit documents that should have been included in their bid which makes it unfair to other bidders who submitted responsive bids for this project.

Additionally, your letter states that CJ Construction has successfully completed a previous public works project within your City and is currently in progress of another contract and that the contractor's progress to date has been satisfactory. The SCDCL feels that the past and previous contracts are irrelevant to this bid for the reason that they failed to submit the proper references.

The SCDCL finds that at time of bid opening CJ Construction submitted a non responsive bid and should have not been given the opportunity to revise their bid and should not be awarded this project.

Sincerely,

Ralph Valenzuela

Ralph Valenzuela
Labor Relations Representative
Southern California District Council of Laborers

CC: Humberto Gomez- Director
Armando Esparza- Business Manager Local 652

CERTIFIED MAIL
7005 1820 0005 1069 3980

Southern California District Council of Laborers Organizing Department
4401 Santa Anita Avenue, Suite 214 * El Monte, CA 91731
Business Phone: (626) 350-9403 * Business Fax: (626) 350-9417

RECEIVED

AUG 12 2009

ENGINEERING

TO m
RECEIVED



JUL 20 2009
SOUTHERN CALIFORNIA DISTRICT COUNCIL OF LABORERS
ORGANIZING DEPARTMENT

ENGINEERING
ORGANIZING CALIFORNIA IN CONSTRUCTION

Humberto M. Gomez
Director



July 17, 2009

Mr. Tom Banks
Director Engineering Dept.
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

Re: Formal Bid Protest – City Project No. 09-15
Rehabilitation of Tustin Avenue From 15th Street to 17th Street

Dear Mr. Banks:

It has come to our attention the CJ Construction, Inc. is the apparent low bidder on the abovementioned project.

The Southern California District Council of Laborers (the "SCDCL"), is concerned with maintaining a level playing field for contractors and workers on the public works and therefore seeks to further compliance with the Prevailing Wage Law, California Labor Code Sections 1720, et seq. The SCDCL routinely monitors bids, awards and construction activities, and also reviews payroll records, inspector's logs, and interviews workers to ascertain compliance with Prevailing Wage Law. The SCDCL works closely with awarding agencies, enforcement agencies, contractors, and other interested parties to achieve these goals.

The SCDCL has reviewed the bid documents submitted by CJ Construction, Inc. and find that the documents submitted for this project are non responsive.

On Page P-4 of the bid documents Titled Construction Project References it states "that in order to more fully evaluate your background and experience for the project herein proposed, it is requested that you submit a list of Public Works and /or similar construction projects completed, or in progress, within the last 24 months". Attached to their bid proposal is a list of references from CJ Construction, Inc. that is not within the 24 months reference that is requested by your city. The references are 8 projects that date back to 2005-2007.

The SCDCL has compiled a list of projects that were awarded to CJ Construction, Inc. in the past 24 months that were not listed on the reference page submitted by them on the abovementioned project.

Southern California District Council of Laborers Organizing Department
4401 Santa Anita Avenue, Suite 214 * El Monte, CA 91731
Business Phone: (626) 350-9403 * Business Fax: (626) 350-9417



Page 2

City of Fullerton

Project: 2007-2008 Curb/Gutter/Sidewalk Reconstruction

Bid Date: 03/13/08

Amount: \$428,212

Agenda for April 1, 2008 shows award to CJ Construction, Inc.

City of Arcadia

Project: 2008-2009 Annual Concrete Repair Project

Bid Date: 11/18/08

Amount: \$98,992

Agenda for December 16, 2008 shows award of project.

City of Los Alamitos

Project: Annual Concrete Repairs Project

Bid Date: 01/29/08

Amount: \$129,400

Project completed May 2008 as per city clerk

City of Riverside

Project: City Wide Curb - Gutter- Sidewalk repair

Bid Date: 07/30/08

Amount: \$518,390

Agenda 08/26/08 shows award of project

City of Paramount

Project: 2009 Annual Sidewalk Program – Citywide

Bid Date 08/19/08

Amount: \$188,300

Orange County Transportation Authority

Project: ADA Bus Stop Package 12

Bid Date: 01/23/08

Contract # 71455

Amount: \$323,280

City of San Marino

Project: ADA Sidewalk Improvements

Bid Date: 07/31/08

Amount: \$68,369

Contract # N08117

Page 3

The SCDCL asks your agency to review the bid documents submitted by CJ Construction, Inc. and contact the above list of agencies to verify that the work was awarded and completed by CJ Construction, Inc.

For these reasons the SCDCL asks that your agency find CJ Construction, Inc. non responsive on the abovementioned project for failing to list these projects on page P-4 of the bid documents.

Sincerely,

A handwritten signature in black ink that reads "Ralph Valenzuela". The signature is written in a cursive, flowing style.

Ralph Valenzuela
Labor Relations Representative, SCDCL

CC: Humberto Gomez- Director
Armando Esparza- Business Manager Laborers Local 652

Certified Mail
7005 1820 0005 1069 3966