



September 17, 2009

City of Costa Mesa
P.O. Box 1200, 77 Fair dr.
Costa Mesa, Ca. 92628-1200

Re: Construction of Walnut Pl. Drainage
Project# 09-23

Subject: Bid Protest

Dear Mr. Tom Brown:

We would like to officially protest the apparent low bidder for this project, Sandoval & Johnson, Const, Eng, pipeline Inc. Per the Bid proposal faxed to us on Sept. 16th

The apparent low bidder has used unethical tactics to submit their proposal and has deviated from the notice to inviting bidders from the city of Costa Mesa. Per the specifications B-2 #10, "No person is authorized to make any oral interpretation of any provision in the contract documents to any bidder, and no bidder is authorized to rely on any on any such unauthorized oral interpretation." The apparent low bidder has not submitted their proposal prop orally and has made apparent mistakes on the proposal schedule which gave them a huge advantage. They have not filled in the unit prices on numerous item numbers and have altered the bid form in the quantities column which is unethical and illegal. They have not filled out the documents properly and these discrepancies are not minor irregularities and should not be over looked. There bid should be considered non responsive for not complying with the set forth instructions and fair practices . If TTS Engineering could alter the bid form we could also be the apparent low bidder and manipulate the numbers where it works in our favor. Now we have submitted our proposal under the direction and guidelines stipulated and are going to lose the job because the city of Costa mesa is not playing on a level field. If this is precedence for the way the City of Costa Mesa accepts bid proposals TTS will be getting all the jobs for the city because we know that we can alter quantities and unit prices to reflect in our favor. TTS is severely disadvantaged because of unfair competition.

Another major error in the bid documents is the apparent low bidder did not submit an alternate for bid item #5A Construct 3' x 5' reinforced concrete box per ASTM M 273 and trench detail sheet 2. This is clearly in the bid documents and they neglected to fill in the documents. The apparent low bidder as not complied with the specifications provided by the city for instructions to bidder.

Another error in admissions is the apparent low bidder also has not been in business even (1) year and has submitted qualifications not within the Specs page 1 # 2. The proposal states they submitted job references beyond the companies conception is apparent they are using personal qualifications that are not there present companies jobs. This should not qualify them due to the lack experience within the specs required. If all bidders were able to submit personal qualifications we would have an advantage for job experience that would be in our favor too.

I know the city strives for excellence and we are confident that will disqualify Sandoval, Johnson, Const. Eng due to there many Irregularities on their bid form, but also because they have hurt TTS from being awarded the project. TTS is confident that with our experience and financial security we can perform this job in a professional and safe way.

We would appreciate your due dillgence and we look forwarding with working with you and Thank you for our consideration

Sincerely,

Tim Wilson
Owner
Enclosure
C/C Greg Bosse ESQ.