



Contra Costa County Public Works Department

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Via Email [Mike@mvpcllc.com] and U.S. Mail

June 6, 2025

M V P Construction LLC
Attention: Michael Vila, Owner/President
428 N. Buchanan Circle #15
Pacheco, CA 94553

Re: Your Firm's Bid Protest Letters
Pinole Library Accessibility Upgrades Project
Project #WH 433A

Our office has received and reviewed your 5/8/25 letter protesting the low bid submitted by Quiring General LLC ("Quiring") on the above project, which bid was \$152,000 lower than your firm's bid. We have also reviewed your 5/8/25 letters protesting the second bid submitted by Arntz Builders Inc. ("Arntz") and the third bid submitted by One Workplace Construction LLC dba Vantis ("Vantis"). As explained below, your firm's bid protests must be denied because the objections stated are all invalid as to Quiring and are moot as to Arntz and Vantis.

In your letter protesting Quiring's low bid, you raised the following objections:

- (1) Quiring's failure to list a qualified tile subcontractor and failure to have a TCNA Master Grade certificate (Sect. 09 30 00).
- (2) Quiring's failure to list a certified, licensed arborist for tree work (Sect. 31 10 00), the failure of Quiring's listed subs to hold a C-61/D49 specialty license, and Quiring's inability to perform this specialty work.
- (3) Quiring's failure to list an abatement subcontractor for lead compliance despite the site survey showing lead presence in the existing roofing and the failure of Quiring's listed demolition subcontractor (Roldan Construction) to have an abatement/hazmat license.
- (4) Quiring's failure to obtain bids or list subcontractors for tile, tree removal and abatement.

Having carefully reviewed Quiring's bid and GFE documentation and the grounds listed in your bid protest against their bid, here is our analysis and determination:

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Capital Projects Division
255 Glacier Drive, 2nd Floor • Martinez, CA 94553
TEL: (925) 957-2480
www.cccpublicworks.org

- (1) Quiring has a valid Class B General Building Contractor license, as required in the project specifications (Notice to Contractors, Div. A-1). That was the only contractor's license required to bid on this project. Per Business & Professions Code Sect. 7057, a B license holder like Quiring is legally qualified to self-perform all contracting work, including tile work, or at its option can subcontract portions of the work. If a prime contractor does not list a subcontractor for any work exceeding one-half of one percent of the bid, the prime contractor is required to self-perform that work and is legally qualified to do so (Public Contract Code Sect. 4106).

In this case, Quiring did not list a tile subcontractor but, in their response to your bid protest, stated that the tile work did not exceed one-half of one percent and that listing was not required. Our department has investigated this matter and agrees with Quiring that listing of their tile subcontractor (KZ Tile) was not required because of the quote amount (less than one-half of one percent). However, even assuming that listing was somehow required, Quiring would be legally qualified to self-perform tile work under their B license and is qualified to do so. (See Business & Professions Code Sect. 7057 and Public Contract Code Sect. 4106.)

As for the TCNA Master Grade certificate (see Sect. 09 30 00), that certificate pertains to the tile materials, not to the tile installer. Therefore, your argument that Quiring or its tile subcontractor does not have a TCNA certificate is irrelevant and invalid.

As a legal basis for your bid protest, you cited two statutes and five legal decisions. We have reviewed all of the authorities cited in your bid protest and most of them involved different situations not relevant to the situation here with Quiring's low bid. The *DeSilva Gates* case actually supports Quiring's bid because it involved a bid protest against the low bidder's failure to list a fencing subcontractor and later clarification that listing was not required because the work did not exceed one-half of one percent (i.e., the same issue you are attempting to fault Quiring for).

- (2) As in #1, Quiring's B license was the only one required for this project and Quiring is qualified with that license to self-perform all contract work on this project, including tree removal work or, at its option, could subcontract that work. (See Business & Professions Code Sect. 7057 and Public Contract Code Sect. 4106.) Actually, tree removal was included in the quote from Magellan Construction Inc., one of Quiring's listed subcontractors who has an A license. Nothing in Sect. 31 10 00 or elsewhere in the project specifications required that Quiring or its subcontractor hold a C-61/D49 specialty license to perform tree removal work.

As for listing of an arborist, that is normally a licensed professional, not a subcontractor. So, listing would not be required. Even assuming that this project would require the use of an arborist, which is just conjecture, Quiring would likewise be qualified with its B license to self-perform that work or to subsequently hire an arborist when and if the need appears. (See Business & Professions Code Sect. 7057; Public Contract Code Sects. 4106, 4109 & 4110.)

- (3) Although the site survey mentions the presence of lead, it also states that the concentration of lead in the roof paint is below EPA and Cal-OSHA thresholds for special handling. Given these facts, no listing of an abatement contractor was required and Quiring or its listed subcontractor could legally perform any required demolition of the roof, even though they do not have an abatement license. Should it later turn out unexpectedly that lead abatement work is required, Quiring could self-perform that work using personnel with an abatement license or could hire an abatement subcontractor at that time. (See Business & Professions Code Sect. 7057; Public Contract Code Sects. 4106, 4109 & 4110.)
- (4) For the County's Outreach Program, the project specifications required that bidders score at least 75 points for their GFE documentation. Quiring complied with that requirement by achieving 90 points. As part of its GFE, Quiring did obtain and provide copies of bids for tile work (KZ Tile) and tree removal work (Magellan Construction Inc.). Your argument that Quiring was required as part of its GFE to obtain bids or list a subcontractor for abatement work is incorrect and invalid.

For the sake of argument, even if Quiring's bid had any of the irregularities alleged by your firm, these would at most be considered minor irregularities that gave no actual competitive advantage to Quiring, that could easily be waived by the Board of Supervisors, and that do not require rejection of Quiring's low bid.

Keep in mind that the County is required by statute to award to the lowest responsible bidder, which in this case is \$152,000 less than your firm's fourth-place bid. (See Public Contract Code Sects. 22032(c) & 22038(b).) The County appreciates your firm preparing and submitting a bid for this and other County projects but we cannot ignore that your bid protests would result in the County and its taxpayers paying at least \$152,000 more for this project.

As for your bid protests against the second bid submitted by Arntz and the third bid submitted by Vantis, the County is not currently considering contract award to either Arntz or Vantis. Therefore, those bid protests are moot at this time. Should our department later recommend award to Arntz or Vantis, we will consider the merits of your protests against those bids at that time.

Based on the above, our department has determined that your firm's bid protests are without merit or moot and are denied. Having thoroughly reviewed and evaluated the bids submitted, we have also determined that Quiring is the lowest responsible bidder, having fully complied with all project requirements, including the Outreach Program (GFE) requirements.

Should your firm disagree with our denial of your bid protests, you may appeal it in writing to Monica Nino, County Administrator, 1025 Escobar St., 4th Floor, Martinez, CA 94553 (see Instructions to Bidders, Sect. 9.C.6). Your firm's appeal must be received at that address no later than 5:00 pm on June 12, 2025, and must describe in detail all facts and arguments on which your firm relies.

Addressee
Date
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It is anticipated that the contract will be awarded by the Board of Supervisors at its meeting on June 24, 2025, which begins at 9:00 a.m. If your firm disagrees with the denial of your bid protests, you may appear at the Board meeting to comment on this matter. Any comments to the Board will be limited to the facts and arguments set forth in your firm's bid protests.

Very truly yours,



Jeffrey K. Acuff
Division Manager, Capital Projects Division

cc: Warren Lai, Public Works Director
Sarah Price, Public Works Dept., Deputy Director
Jae Lee, Public Works Dept., Capital Projects Div.
David F. Schmidt, County Counsel's Office
Michael L. George, County Counsel's Office