

County Administrator

County Administration Building
1025 Escobar Street, 4th Floor
Martinez, California 94553-1229
(925) 655-2075
(925) 655-2066 FAX

Monica Nino
County Administrator

Contra Costa County



Board of Supervisors

John M. Gioia
District 1

Candace Andersen
District 2

Diane Burgis
District 3

Ken Carlson
District 4

Shanelle Scales-Preston
District 5

January 23, 2026

Via U.S. Mail and electronic mail [bdissman@welyons.com]

W.E. Lyons Construction Co.
Attention: Bryan Dissman, Senior Estimator
1301 Ygnacio Valley Rd.
Walnut Creek, CA 94598

**Re: Your Firm's Bid Protest Letter
Brookside Mental Health Rehabilitation Center, Richmond
Project No. 135-2401**

Dear Mr. Dissman:

This letter responds to your firm's bid protest on the above project. As explained below, your firm's bid protest must be rejected because it did not comply with the basic requirements in the project specifications. Even if your firm's bid protest could somehow be considered, the objections stated are all invalid.

Background

By letter dated 12/19/25, your firm protested the low bid submitted by Buhler Commercial ("Buhler"), which was \$188,841 lower than your firm's bid. In your bid protest, your firm made the following objections to Buhler's low bid:

- (1) Under Public Contract Code Sect. 4104, Buhler was required to but failed to list subcontractors for the following trades, which exceed the 0.5% statutory threshold: Structural Steel, Sheet Metal Flashings, Plaster, Gypsum Board Assemblies, Tile, Landscaping, and Site Utilities.
- (2) Buhler holds only a Class B General Building Contractor's license and, under Business & Professions Code Sect. 7057, cannot self-perform the specialty trades in #1 above.
- (3) By failing to list required subcontractors, Buhler has obtained an unlawful competitive advantage over other bidders.
- (4) California courts have held that failure to comply with subcontractor listing laws is a material defect that cannot be waived.
- (5) Buhler's bid is non-responsive as a matter of law and must be rejected.

Analysis and Determination

Our office, with assistance from the Public Works Department, has thoroughly reviewed your bid protest. The following is our analysis and determination:

A. Compliance with Bid Protest Requirements

Your firm's bid protest was not signed and submitted under penalty of perjury, as required by the project specifications. This defect prevents us from considering your bid protest, requires that it be rejected, and constitutes a waiver of your firm's right to further pursue the bid protest (see Instructions to Bidders, Document 00 21 13, Sect. 27.b, f and g).

B. Analysis of Bid Protest

Even if your bid protest had complied with the project specs and could somehow be considered, the following objections in your bid protest have no merit and would still be rejected:

- (1) Under Public Contract Code Sect. 4104, Buhler was required to list all subcontractors performing work in excess of one-half of 1 percent. For any work over that threshold for which no subcontractor was listed, Buhler is qualified and required to self-perform that work (Public Contract Code Sect. 4106). That applies to the trades listed in your bid protest (see #1 above). Your firm has shown no violation of these statutes and has not even shown with factual evidence that the trades for which no subcontractor was listed by Buhler exceeded the statutory limit. Your claims to the contrary are speculative, lack factual support, and have no merit (see Instructions to Bidders, Sect. 27.b).
- (2) Buhler has a valid Class B General Building Contractor license, which was the only contractor's license required to bid on this project (see Notice to Bidders, Document 00 11 16, Sect. 5). Per Business & Professions Code Section 7057, a B license holder like Buhler is legally qualified to perform a general contract involving at least two unrelated trades in addition to framing or carpentry, including self-performance of those trades as necessary. That applies to Buhler's bid here and it conforms with the material on the website of the Contractors State License Board (see attachment). Your firm has shown no violation of Section 7057 or contractor licensing laws by Buhler. Your claims to the contrary are speculative and have no merit.
- (3) As noted in #1 and #2 above, your firm has not shown violation by Buhler of the subcontractor listing laws or contractor licensing laws. Moreover, your firm has shown nothing in Buhler's bid that would give them an unlawful competitive advantage against your firm. Your claims to the contrary are speculative, lack factual support, and have no merit.
- (4) In support of your bid protest, you cited four legal decisions. We have reviewed the authorities cited in your bid protest and all of them involved different situations not relevant to the situation here with Buhler's low bid. The *Great West* case actually supports Buhler's bid because it emphasized that public agencies are normally required to award construction contracts to the lowest responsible bidder and voided an award to a higher bidder. Thus, the legal authorities cited by your firm do not support your position that Buhler's low bid must be rejected and your arguments to the contrary have no merit.

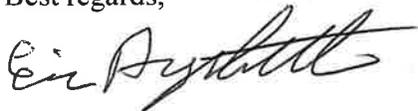
- (5) Your firm has not shown any legal deficiency in Buhler's low bid and has not demonstrated that Buhler's bid was non-responsive as a matter of law or must be rejected. Your arguments to the contrary are speculative, lack factual support, and have no merit.
- (6) For the sake of argument, even if Buhler's bid had any of the irregularities alleged by your firm, those would at most be considered minor irregularities that did not affect the bid price, that gave no actual competitive advantage to Buhler, that could be cured by the bidders or waived by the County, and that do not require rejection of Buhler's bid (see Notice to Bidders, Sect. 18; Instruction to Bidders, Sect. 30.)
- (7) The County is required by statute to award to the lowest responsible bidder, which in this case is \$188,841 less than your firm's second-place bid. (See Public Contract Code Sects. 22032(c) & 22038(b).) We cannot ignore that statutory requirement and that your bid protest would result in the County and its taxpayers paying at least \$188,841 more for this project.

Conclusion

Based on the above, our office has determined that your firm's bid protest must be rejected for failure to comply with basic requirements of the project specifications and that, even if your bid protest could be considered, it is without merit, speculative, and factually unsupported. This is our final determination of your bid protest pursuant to the project specifications (see Instructions to Bidders, Sect. 27.g).

Having thoroughly reviewed and evaluated the bids submitted, we have also determined that Buhler is the lowest responsible bidder, having fully complied with all project requirements, including the Outreach Program (GFE) requirements. It is anticipated that the contract will be awarded by the Board of Supervisors to Buhler at the Board meeting on **February 10, 2026**, which begins at 9:00 a.m. If your firm disagrees with the denial of your bid protest, 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 protest.

Best regards,



ERIC ANGSTADT
Chief Assistant County Administrator
Contra Costa County, CA

Attachments: Exhibit A: Contractors State License Board – Fast Facts

cc: *Warren Lai, Public Works Director*
Sarah Price, Deputy Director, Public Works Dept.
Paul Hundal, Div. Mgr., Public Works Dept., Capital Projects Div.
Diane Strassmaier, Public Works Dept., Capital Projects Div.
David F. Schmidt, County Counsel's Office
Michael L. George, County Counsel's Office
Buhler Commercial [steve@buhlercommercial.com]
D.L. Falk Construction Inc. [davet@dlfalk.com]

EXHIBIT A



CONTRACTORS STATE LICENSE BOARD

Fast Facts

The Contractors State License Board, which operates under the umbrella of the California Department of Consumer Affairs, licenses and regulates California's 285,000 contractors, and is regarded as one of the leading consumer protection agencies in the United States.

What Jobs "B" General Building Can/Cannot Perform

The "B" General Building contractor license is the most common contractor license classification in California. As a result, the Contractors State License Board (CSLB) often receives questions about what jobs a B General Building licensee can legally perform.

The purpose of this Fast Facts sheet is to provide basic information regarding the permissible scope of work for contractors holding a B General Building contractor license.

Business and Professions Code (BPC) section 7057 defines a General Building contractor as someone whose principal contracting business is in connection with "any structure built, being built, or to be built for the support, shelter, and enclosure of persons, animals, chattels or movable property of any kind, requiring in its construction the use of at least two unrelated building trades or crafts, or to do or superintend the whole or any part thereof." The BPC provides additional clarification as summarized below.

A "B" General Building Contractor Can...

- Enter a prime or sub-contract for a framing or carpentry project and self-perform the work.
- Enter a prime or sub-contract for two or more separate and unrelated trades and self-perform the work (framing and carpentry cannot count as one of the trades).

A "B" General Building Contractor Cannot...

- Enter a prime contract for any project involving trades other than framing or carpentry **unless**:
 - The prime contract requires at least two other, unrelated building trades or crafts; **or**
 - The "B" General Building contractor holds the appropriate license classification or subcontracts with an appropriately licensed specialty contractor to perform the work.
- Enter a sub-contract involving trades other than framing or carpentry **unless**:
 - The sub-contract requires at least two other, unrelated trades or crafts; **or**

9021 E. 19th Park Drive
Sacramento
California
95827

PO Box 26000
Sacramento
California
95820-0000

909.327.0318 (Toll Free)

www.cslb.ca.gov

CheckTheLicenseFirst.com