



Contra Costa County
Public Works
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May 21, 2026

UPS Overnight: 1Z9703141391684731

Email: suneetha@radiusearthwork.com

Radius Earthwork Inc.
Attn: Suneetha Tummala
197 Hamilton Avenue, Ste. 201
Campbell, CA 95008

Re: Your Firm's Appeal Letter Dated 5/15/2026
2026 Crockett and Port Costa Overlays and Curb Ramps
Project No.: 0672-6U2186

Dear Ms. Tummala:

This responds to your May 15, 2026 appeal letter, which was sent in response to the May 12, 2026 letter from our department. Our letter notified your firm of our determination that your bid was non-responsive for failure to submit the Good Faith Effort (GFE) documentation required by the project specifications and of our intention to recommend that your bid be rejected and that the contract for this project be awarded to the third bidder, Carone & Company, Inc. ("Carone"). As stated in our letter, your firm achieved 0 of the 75 required GFE points, whereas Carone achieved 91 GFE points and exceeded the Mandatory Subcontracting Minimum (MSM) goal of 25%.

In your letter, you requested reconsideration of our determination. Such reconsideration is provided for in Section 2-1.12A(6), which reads:

"In the event that the Board of Supervisors considers awarding away from the apparent low bidder because of the bidder's failure supply adequate good faith effort documentation, the County shall afford the bidder an opportunity to present further evidence prior to award of contract."

As explained below, after carefully reviewing your letter and arguments, I have determined that your May 15, 2026 appeal letter is without merit, that our department's original determination was correct, and that your request must be denied.

In your firm's letter, you did not submit any further evidence to dispute your firm's failure to submit the GFE documentation required by the project specifications and your firm's GFE scoring (0 out of 75 required GFE points). That alone requires that your request for reconsideration be denied.

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Instead of submitting evidence to dispute the scoring of your firm's GFE, your firm has attempted to argue that your firm should be excused from Outreach Program requirements because your firm is an MBE and because you are utilizing MBE and SBE certified subcontractors. That argument is contrary to the project specifications, which require that **all** bidders comply with the Outreach Program (GFE) requirements, including the following:

"This project is subject to the requirements of the County's Outreach Program which encourages the use of minority business enterprises (MBEs), women business enterprises (WBEs), disabled veteran business enterprises (DVBES), other business enterprises (OBEs), small business enterprises (SBEs), and local business enterprises (LBEs). Section 2-1.12, 'OUTREACH PROGRAM AND MANDATORY SUBCONTRACTING MINIMUM (MSM),' of these special provisions covers the requirements." (Special Notices.)

"You are required to take specific actions to outreach to said business enterprises for participation in the execution of the work to be done under this contract and document these 'good faith efforts'." (Special Notices.)

"This project is subject to the policies and requirements established in the County's Outreach Program for the use of Minority Business Enterprises (MBEs), Women Business Enterprises (WBEs), Disabled Veteran Business Enterprises (DVBES), Small Business Enterprises (SBEs), Local Business Enterprises (LBEs), and Other Business Enterprises (OBEs). The County is committed to ensuring full and equitable participation by minority, women, and other sub-bid or subcontracting businesses in County-funded construction projects. The Outreach Program is set forth herein. Bidders should be fully informed of this program. ... Failure to comply with the County's Outreach Program may render the bid non-responsive." (Special Provisions, Sect. 2-1.12A(1).)

"The bidder must take affirmative steps prior to bid opening to ensure that a maximum effort is made to recruit sub-bidders/subcontractors. Minority and women-owned and controlled business must be considered along with other business enterprises whenever possible as sources of supplies, construction, and other services. The required affirmative steps for Good Faith Effort documentation are outlined below." (Special Provisions, Sect. 2-1.12A(4).)

"It is a policy of Contra Costa County to provide all MBEs, WBEs, DVBES, OBEs, SBEs and LBEs an equal opportunity to participate in the performance of all County contracts. Bidders must assist the County in implementing this policy by taking all reasonable steps to ensure that all qualified business enterprises, including MBEs, WBEs, DVBES, OBEs, SBEs and LBEs have an equal opportunity to compete for and participate in County contracts. ... Failure to include supporting documentation of a good faith effort and failure to achieve a minimum of 75 out of 100 Good Faith Effort

evaluation points may render the bid non-responsive and may result in its rejection. Adequacy of bidder's good faith effort will be determined after consideration of the indicators of good faith as set forth below." (Same.)

"No later than 4:00 p.m. within two working days of the bid opening, the apparent three lowest responsible bidders shall submit completed good faith effort documentation to the County. (Special Provisions, Sect. 1-1.12A(5).)

"The award of a contract will be to the lowest responsive, responsible bidder whose proposal complies with all requirements prescribed herein. This includes compliance with the required Outreach Program. A positive and adequate demonstration to the satisfaction of the Board of Supervisors that a good faith effort to include MBE/WBE/OBE/SBE/LBE subcontractors' participation was made is a condition for eligibility for award of the contract." (See Special Provisions, Sect. 2-1.12A(6).)

Your firm's letter actually questions the entire validity and basis of the County's Outreach Program (adopted by the Board of Supervisors in 1998), which treats all bidders equally and focuses on subcontracting (i.e., providing outreach and equal opportunities to all subcontractors). In essence, your firm is arguing that the County should disregard the Outreach Program (GFE requirements) in the project specifications and should exempt your firm from those requirements because of your MBE status and your utilization of MBE and SBE subcontractors. Having put this project out to bid with Outreach Program requirements applicable to all bidders, the County cannot disregard those specifications for the benefit of one bidder. We also cannot give your firm special treatment by waiving or exempting you from requirements applicable to all other bidders. (*Domar Electric, Inc. v. City of Los Angeles* (1995) 41 Cal.App.4th 810; *Valley Crest Landscape, Inc. v. City Council* (1996) 41 Cal.App.4th 1432.)

Your firm's argument that having MBE and SBE participation fully satisfies the purpose of the County's Outreach Program is incorrect. Not only does that argument ignore the above Outreach Program requirements applicable to all bidders, but it also ignores that the Outreach Program is designed to require outreach (equality of opportunity) to all subcontractors, suppliers, etc., not just to MBEs and SBEs.

Similarly, your firm's argument about Public Contract Code Section 2000 is also mistaken. That section has been largely overridden by Proposition 209 and, in any event, this project was not put out to bid with MBE and WBE goals. Instead, what was required of you and the other bidders was to perform and document broad outreach to all firms, not just MBEs and WBEs.

Based on the above, I have determined that your firm's request for reconsideration is without merit in that you have not shown that the GFE scoring and the determination of non-responsiveness were incorrect.

Our department has thoroughly reviewed and evaluated the bids submitted and determined that Carone is the lowest responsible bidder, having fully complied with all project requirements, including the Outreach Program and MSM requirements. Accordingly, I plan to recommend that the contract be awarded to Carone at the Board of Supervisors meeting on June 9, 2026, which begins at 9:00 a.m. If your firm still disagrees with the determination that your bid was non-responsive and subject to rejection, you may appear and address the Board at that time.

Although I have denied your request for reconsideration on this project, the County appreciates your firm bidding on our projects and hopes you will continue to do so as other projects come up.

Sincerely,



Warren Lai
Public Works Director
Contra Costa County Public Works

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cc: Adelina Huerta, Public Works Department, Design/Construction
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