



# Contra Costa County Public Works Department

Warren Lai, Director

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Joe Yee

June 12, 2025

Email: brian@minervaconstructioninc.com and U.S. Mail

Minerva Construction, Inc.  
Attention: Brian Hehir, Vice President  
1485 Bayshore Blvd., Ste. 210  
San Francisco, CA 94124

Re: Bid Protest Letter  
Wildcat Canyon Rd. Slope Repair Project  
County Project #0672-6U6266  
Federal Project #ACSTP 15J9(161)

Dear Mr. Hehir:

Our office has received and reviewed your May 28, 2025 letter protesting the County's refusal to provide access to the bid documents submitted by other bidders on the above project. As explained below, your firm's bid protest must be denied because it is not a bona fide bid protest and is otherwise without merit.

Having carefully reviewed your May 28, 2025 letter, the project specifications, and applicable laws, here is our analysis and determination:

- (1) Although your May 28, 2025 letter refers to a "bid protest," it is not really a bid protest because it does not protest or challenge alleged deficiencies in any other bid. Instead, your bid protest is actually a fishing expedition trying to see if there might be grounds to challenge other bids. This alone requires that your purported bid protest be rejected and denied.
- (2) The project specifications are clear that a bid protest must be filed prior to contract award (see Special Provisions, Sect. 3-1.04) and the County has never informed your firm otherwise. If you are challenging that clear requirement, your protest on that issue is invalid.
- (3) In response to your firm's requests for copies of the bid documents submitted by other bidders, the County responded to your document requests according to law, citing appropriate authorities (County Ordinance Code Sect. 25-4.404(f) and Government Code Sect. 7928.705) and informing you that the requested copies would be provided as soon as the contract for this project is awarded by the Board. In no way did the County prevent your firm from filing a bid protest within that time limit, which your firm in fact did with your May 28, 2025 letter.

- (4) At the bid opening for this project, which occurred on May 20, 2025, your firm had full opportunity to view and ask questions about the bids submitted by other bidders and to note any potential facts and grounds for a valid bid protest. If your firm failed to do so, that is outside the County's scope of responsibility, and your firm cannot validly claim this somehow prevented your firm from filing a bid protest.

Based on the above, our department has determined that your firm's May 28, 2025 bid protest is without merit and is denied.

Keep in mind that the County is required by statute to award a contract to the lowest responsible bidder, which in this case is \$81,784 less than your firm's third-place bid. (See Public Contract Code Sects. 22032(c) & 22038(b).) The County appreciates your firm preparing and submitting a bid for this project but we cannot ignore that your bid protest would result in the County and its taxpayers paying at least \$81,784 more for this project.

In your May 28, 2025 letter, you requested written notice of the County's intended award date. It is anticipated that the contract for this project 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 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 May 28, 2025 bid protest.

Sincerely,



Warren Lai  
Public Works Director  
Contra Costa County Public Works

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cc: Adelina Huerta, Public Works Dept., Design/Construction  
David F. Schmidt, County Counsel  
Michael J. George, County Counsel