

June 10, 2025

**Via FedEx Overnight (Tracking No. 289639638728)**  
**and Email: [monica.nino@cao.cccounty.us](mailto:monica.nino@cao.cccounty.us)**

Monica Nino  
County Administrator  
Contra Costa County  
1025 Escobar, 4th Floor  
Martinez, CA 94553

Womble Bond Dickinson (US) LLP

50 California Street  
Suite 2750  
San Francisco, CA 94111

Quinlan Tom  
Partner  
Direct Dial: 415-765-6220  
Direct Fax:  
E-mail: [Quinlan.Tom@wbd-us.com](mailto:Quinlan.Tom@wbd-us.com)

**Re: MVP Bid Protest Appeal - Pinole Library  
Accessibility Upgrades Project**

Dear Ms. Nino:

I represent MVP Construction, LLC ("MVP") the lowest responsive bidder for the Contra Costa County's ("County") Pinole Library Accessibility Upgrades Project ("Project").

On May 8, 2025 MVP submitted to the County in accordance with the Project specifications its protest of the bid ("MVP Protest") submitted by Quiring General, LLC ("Quiring"). (Exhibit 1 hereto.) On June 6, 2025 Jeffrey K. Acuff of the County delivered to MVP a written response advising that MVP's bid protest was denied. (Exhibit 2.)

In accordance with the Project Instructions to Bidders, Sec. 9.C.6, MVP submits its appeal of the County's denial of MVP's May 8, 2025 bid protest.

### **LEGAL STANDARDS**

Public Contract Code §20162 provides:

When the expenditure required for a public project exceeds five thousand dollars (\$5,000), it shall be contracted for and let to the lowest responsible bidder after notice.

In *DeSilva Gates v. Dept. of Transportation* (2015) 242 Cal.App.4<sup>th</sup> 1409, 1417 the Court explained:

"A bid is responsive if it promises to do what the bidding instructions require." (*MCM Const., Inc. v. City & County of San Francisco* (1998) 66 Cal.App.4<sup>th</sup> 359, 368.) Thus, a responsive bid must conform to the public agency's specifications for the contract. (*Bay Cities Paving & Grading, Inc. v. City of San Leandro* (2014) 223 Cal.App.4<sup>th</sup> 1181, 1188 (*Bay Cities Paving*).)



In *Valley Crest Landscape v. City Council of the City of Davis* (1994) 41 Cal.App.4<sup>th</sup> 1432, 1438 the Court held:

whether a bid is responsive can be determined from the face of the bid without outside investigation or information.

### **DISCUSSION**

In the MVP Protest, MVP protested Quiring's bid that it was not responsive on the following grounds:

1. Failure to list a qualified Tile subcontractor. Per Section 093000 1.4 Quality Assurance, Installer qualifications: Experienced firm who has successfully completed tile installations similar in material, design, and extent to that indicated for Project for at least 5 years. They are unable to meet this requirement without the proper license. Quiring General, LLC does not have a C54 Tile License. They are also unable to get a Tile Council of North America, Inc. (TCNA) Master Grade Certificate and currently do not possess one. (Section 09 30 00). Without such certification, they are also unable to provide the manufacturers special warranty called out for materials and workmanship as noted in this specification. The only way a contractor is granted this certification is if they are properly licensed with this specialty license C54.
2. Failure to list a certified, licensed arborist for Tree Work as noted in Section 31 10 00 Site Clearing. None of their listed subcontractors hold a C-61/D49 Tree Service License. They also cannot self-perform this specialty work.
3. Failure to list an abatement subcontractor for lead compliance despite site survey showing lead presence in the existing roofing. Their listed demolition subcontractor Roldan Construction Inc. does not have an abatement/hazmat license and cannot perform this work as the listed subcontractor for demolition.

The County's response failed to show that the face of Quiring's bid showed that it was the lowest responsive bidder.

**Tile Specifications.** In the Project specifications, the County required that the contractor have completed "tile installations similar in material, design and extent to that indicated for Project for at least 5 years." Quiring's bid fails to show that it has the requisite experience required in the specifications. The County's response only cites that Quiring is licensed to self-perform that work. However, the County specified both licensing *and* experience requirements. The County's response fails to show how Quiring can fulfill both requirements. The County's response admits that Quiring did not list a tile subcontractor.

In addition to lacking the required license and TCNA certification, Quiring's bid fails to meet the mandatory specification requiring a 15-year special manufacturer's warranty for tile installation (Section 09 30 00). The subcontractor it identified for this work, KZ Tile, submitted a written proposal (see Quiring subcontractor bid submissions for good faith) that expressly states:

Does not include special 15-year manufacturer warranty per project manual.



The face of Quiring's bid submission shows that it would not provide the required spec deliverable.

**Tree Removal.** In Section 31 10 00.3.2 (Site Clearing) the Project specifications required that the contractor perform tree removal work. Contra Costa County Code §816-6.6002 and City of Pinole Code Ch. 17.96 specify that such work may only be performed by a C-49 licensed contractor and overseen by an ISA Certified Arborist per CCR §832.49. Quiring's bid and list of intended subcontractors fails to identify any contractor holding those requirements (Quiring does not.) The County's response admits that neither Quiring nor its intended subcontractor, Magellan, hold the required license but concludes that no such specialty license is required. The specifications require that the work be performed in accordance with all applicable laws, statutes ordinances. The City ordinance requires that this specialty work be performed by a properly licensed subcontractor.

**Lead Abatement.** The specifications require that the Contractor perform the needed lead abatement work for the Project. The County's response admits that neither Quiring nor any listed subcontractor holds the proper license.

### **CONCLUSION**

As shown above, MVP's bid protest should be granted because the face of Quiring's bid shows it failed to provide a bid that met the specifications for the Project. MVP requests that the County award the Project to MVP, the lowest responsive bidder.

Very truly yours,

**Womble Bond Dickinson (US) LLP**

Quinlan Tom  
Partner

QT:sl  
Enclosures  
cc: MVP Construction, LLC

# **EXHIBIT 1**



M V P Construction LLC  
428 N. Buchanan Circle #15  
Pacheco, CA 94553  
License #1047890  
925.586.1478  
[Mike@mvpcllc.com](mailto:Mike@mvpcllc.com)

May 8, 2025  
Contra Costa County Public Works Department  
Attn: Capital Projects Management Division  
255 Glacier Drive  
Martinez, CA 94553

Subject: Formal Bid Protest – Pinole Library Accessibility Upgrades Project

**Bid Protest Against: Quiring General, LLC**

Christian Guillen  
[cguillen@quiring.com](mailto:cguillen@quiring.com)  
925.758.9388

M V P Construction LLC hereby submits this formal bid protest against the above-referenced contractor, Quiring General, LLC, the apparent low bidder for the Pinole Library Accessibility Upgrades project. This protest is made in accordance with the bid protest procedures outlined in the bid documents and the California Public Contract Code.

**Grounds for Protest:**

- Failure to list a qualified Tile subcontractor. Per Section 093000 1.4 Quality Assurance, Installer qualifications: Experienced firm who has successfully completed tile installations similar in material, design, and extent to that indicated for Project for at least 5 years. They are unable to meet this requirement without the proper license. Quiring General, LLC does not have a C54 Tile License. They are also unable to get a Tile Council of North America, Inc. (TCNA) **Master Grade Certificate** and currently do not possess one. (Section 09 30 00). Without such certification, they are also unable to provide the **manufacturers special warranty** called out for materials and workmanship as noted in this specification. The only way a contractor is granted this certification is if they are properly licensed with this specialty license C54.



- Failure to list a certified, licensed arborist for Tree Work as noted in Section 31 10 00 Site Clearing. None of their listed subcontractors hold a C-61/D49 Tree Service License. They also cannot self-perform this specialty work.
- Failure to list an abatement subcontractor for lead compliance despite site survey showing lead presence in the existing roofing. Their listed demolition subcontractor Roldan Construction Inc. does not have an abatement/hazmat license and cannot perform this work as the listed subcontractor for demolition. See attached license details from the CSLB.

#### **Legal Basis for Protest:**

- Public Contract Code §1103: All bids must be responsive.
- **Business & Professions Code §7059: Contractors must have the appropriate specialty license to self-perform.**
- **DeSilva Gates v. Dept. of Transportation (2015): Bidders must list all required licensed subcontractors for specialty scopes.**
- Pacific Bell v. California CSLB (2003) 112 Cal.App.4th 1065: Misclassification or license substitution invalidates bid compliance.
- **Great West Contractors v. Irvine USD (2010): Failure to list required specialty subcontractors renders a bid non-responsive.**
- **MCM Construction v. City and County of San Francisco (1998) 66 Cal.App.4th 359: Listing violations are grounds for disqualification.**
- **Valley Crest Landscape v. City of Davis (1994): Strict compliance with licensing and listing is mandatory.**

For the foregoing reasons, M V P Construction LLC respectfully requests that Quiring General, LLC's bid be deemed non-responsive and rejected. MVP remains ready and able to perform the work in full compliance with the specifications and applicable public contracting laws.

Sincerely,

Michael Vila  
Owner/President  
M V P Construction LLC  
mvpcllc.com | O: 925.586.1478

#### **Additional Grounds – Good Faith Effort Documentation:**


Each bidder was required to submit Good Faith Effort documentation as part of their bid. This documentation reveals that the protested bidders failed to obtain bids or list subcontractors for the respective specialty trades outlined in our protest (e.g., tile, tree removal, and abatement). This omission demonstrates that they had no subcontractor

bids in hand at the time of bid submission. Accordingly, their failure to list required subcontractors was not due to scope value falling below the ½ of 1% threshold per Public Contract Code §4104, but because they lacked bids altogether and also cannot self-perform this work.

The attempt to now retroactively produce subcontractor bids in response to this protest undermines the integrity of the Public Contract Code and directly conflicts with established law, including DeSilva Gates and MCM Construction, which affirm that mandatory listing requirements must be satisfied at the time of bid. Work that is specialty licensed, not incidental, and materially present in the bid specifications must be supported by a listed subcontractor.

M V P CONSTRUCTION LLC

Under penalty of perjury under the laws of the State of California, I hereby certify that the foregoing is true and correct to the best of my knowledge.

Signed:   
Michael Vila  
Owner/President  
M V P Construction LLC  
Date: 5/9/2025



## CONTRACTORS STATE LICENSE BOARD

### ▼ Contractor's License Detail for License # 549375

**DISCLAIMER: A license status check provides information taken from the CSLB license database. Before relying on this information, you should be aware of the following limitations.**

- ▶ CSLB complaint disclosure is restricted by law ([B&P 7124.6](#)) if this entity is subject to public complaint disclosure click on link that will appear below for more information. Click [here](#) for a definition of disclosable actions.
- ▶ Only construction related civil judgments reported to CSLB are disclosed ([B&P 7071.17](#)).
- ▶ Arbitrations are not listed unless the contractor fails to comply with the terms.
- ▶ Due to workload, there may be relevant information that has not yet been entered into the board's license database.

Data current as of 5/9/2025 11:31:26 AM

#### Business Information

ROLDAN CONSTRUCTION INC  
4607 ENTERPRISE COMMON  
FREMONT, CA 94538  
Business Phone Number:(510) 490-1395

**Entity** Corporation  
**Issue Date** 11/22/1988  
**Expire Date** 11/30/2026

#### License Status

**This license is current and active.**

**All information below should be reviewed.**

#### Classifications

- ▶ B - GENERAL BUILDING
- ▶ C-61 / D16 - HARDWARE, LOCKS AND SAFES
- ▶ C-61 / D08 - DOORS & DOOR SERVICE, SHOWER & TUB ENCLOSURES, ACCORDIAN DOORS
- ▶ C-61 / D10 - ELEVATED FLOORS
- ▶ C-61 / D50 - SUSPENDED CEILINGS
- ▶ C21 - BUILDING MOVING, DEMOLITION

#### Bonding Information

##### Contractor's Bond

This license filed a Contractor's Bond with **AMERICAN CONTRACTORS INDEMNITY COMPANY**.

**Bond Number:** SC6016218

**Bond Amount:** \$25,000

**Effective Date:** 01/01/2023

[Contractor's Bond History](#)

##### Bond of Qualifying Individual

The qualifying individual JEFFREY JAMES ROLDAN JR certified that he/she owns 10 percent or more of the voting stock/membership interest of this company; therefore, the Bond of Qualifying Individual is not required.

**Effective Date:** 11/22/1988



This license has workers compensation insurance with the [STATE COMPENSATION INSURANCE FUND](#)

**Policy Number:**9377893

**Effective Date:** 03/30/2025

**Expire Date:** 03/30/2026

[Workers' Compensation History](#)

**Workers' compensation classification code(s):**

5447 - Wallboard Installation-high wage

5348 - Tile/Stone/Mosaic/Terrazzo Work

5020 - Ceiling Installation

For a description of the workers' compensation classification code(s) listed for this licensee, contact the licensee's insurance carrier. Contact information for the licensee's insurer is available by clicking the insurer link above. Classification codes are also available on the Workers' Compensation Insurance Rating Bureau's classification search page.

**The board does not verify or investigate the accuracy of classification codes displayed.**

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# **EXHIBIT 2**



# Contra Costa County Public Works Department

Warren Lai, Director  
Deputy Directors  
Stephen Kowalewski, Chief  
Allison Knapp  
Sarah Price  
Carrie Ricci  
Joe Yee

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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:

- (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., 4<sup>th</sup> 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  
Page 4 of 4

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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

# Pinole Library Bid Protest

Tile Warranty Deficiency – MVP  
Construction LLC

# Missing Tile Warranty = Noncompliant Bid

- Required by Spec (09 30 00):
  - - 15-Year Special Manufacturer's Warranty
- Quiring's Listed Subcontractor (KZ Tile) States:
- "Does not include special 15-year manufacturer warranty."

# Legal Impact of Warranty Omission

- - Facial non-responsiveness
- - Not curable after bid submission
- - Violates MCM Construction (1998)
- - Violates Public Contract Code §1103

# Conclusion and Request

- - Cannot be waived
- - Bid is incomplete and must be rejected
- MVP Construction:
  - - Includes TCNA-certified subcontractor
  - - Provides full warranty
  - - Is under budget and fully compliant