



W.E. LYONS
CONSTRUCTION CO.
Since 1926

VIA HAND DELIVERED AND EMAIL

December 19, 2025

Diane Strassmaier, Contra Costa County Capital Projects Management Division
Public Works Department
40 Muir Road, 2nd Floor
Martinez, CA 94553
Email: diane.strassmaier@pw.cccounty.us
Phone: (925) 957-2480

**RE: Formal Bid Protest – Buhler Construction Company, Inc.
Brookside Mental Health Rehabilitation Center
Project No. 135-2401**

Dear Ms. Strassmaier:

W.E. Lyons Construction Co. (“Lyons”) hereby submits this **formal bid protest** regarding the bid submitted by **Buhler Construction Company, Inc. (“Buhler”)** for the **Brookside Mental Health Rehabilitation Center, Project No. 135-2401**, which was bid on **December 17, 2025, at 2:00 PM.**

Based on our review of Buhler’s sub listings (see attached) as provided by the County and applicable California law, Buhler’s bid is **non-responsive as a matter of law** and must be rejected.

Failure to List Mandatory Subcontractors – PCC §4104

California Public Contract Code §4104 requires that all bidders list, at the time of bid, each subcontractor who will perform work **in excess of one-half of one percent (0.5%)** of the total bid, including the subcontractor’s name, location, license number, DIR registration number, and portion of work.

Buhler Construction **failed to list subcontractors** for the following trades, each of which clearly exceeds the 0.5% statutory threshold on a project of this size and scope:

- Structural Steel – **C-51**
- Sheet Metal Flashings – **C-43**
- Plaster – **C-35**
- Gypsum Board Assemblies – **C-9**
- Tile – **C-54**
- Landscaping – **C-27**
- Site Utilities – **C-34 & C-12**

Buhler holds **only a Class B General Building Contractor license** and does not possess the specialty license classifications required to lawfully self-perform the above trades. Nor were subcontractors listed for these scopes of work at the time of bid.

Violation of Business & Professions Code §7057

California Business & Professions Code §7057(b) strictly limits the scope of work that may be self-performed by a Class B contractor. A general building contractor (Class B) may not self-perform specialty trades unless the work is **incidental** and supplemental to the prime contract and does not involve multiple unrelated trades requiring specialty licenses. “Incidental” has been clearly defined by the courts as having to be less than 0.5%.

Here, the omitted scopes—structural steel, utilities, plaster, drywall, tile, sheet metal, and landscaping—are **not incidental**, are **specialized trades**, and collectively represent substantial portions of the project. Buhler is therefore **not licensed to self-perform this unlisted trade work**, and its failure to list properly licensed subcontractors renders its bid non-responsive.

Prohibited Post-Bid Conduct and Competitive Harm

By failing to list required subcontractors at the time of bid, Buhler has obtained an **unlawful competitive advantage**, including the ability to:

- Engage in **post-bid bid shopping**
- Substitute subcontractors after bid opening
- Engage in **license laundering**
- Avoid statutory subcontractor listing requirements designed to protect fair competition

The California Subletting and Subcontracting Fair Practices Act (PCC §§4100–4114) was enacted specifically to prevent these abuses.

Controlling California Case Law

California courts have consistently held that failure to comply with subcontractor listing laws is a **material defect** that cannot be waived:

- **R.M. Sherman Co. v. City of Los Angeles** (1984) 162 Cal.App.3d 520 – Failure to properly list subcontractors is a material deviation requiring rejection of the bid.
- **Valley Crest Landscape, Inc. v. City Council** (1996) 41 Cal.App.4th 1432 – A bid is responsive only if it promises to do what the bidding instructions require at the time of bid.
- **Great West Contractors, Inc. v. Irvine Unified School District** (2010) 187 Cal.App.4th 1425 – Public agencies may not waive material deviations that undermine competitive bidding.
- **MCM Construction, Inc. v. City and County of San Francisco** (1998) 66 Cal.App.4th 359 – Strict compliance with bidding statutes is mandatory to preserve integrity of the process.

Allowing Buhler’s bid to stand would violate these well-established principles and expose the County to legal challenge.

Conclusion and Request for Relief

For the reasons stated above:

1. Buhler Construction Company, Inc.'s bid **fails to comply with PCC §4104**.
2. Buhler lacks the required specialty licenses and **cannot lawfully execute the unlisted work**.
3. The omissions constitute **material, non-waivable defects**.
4. Buhler's bid is **non-responsive as a matter of law** and must be rejected.

W.E. Lyons respectfully requests that Contra Costa County **reject Buhler Construction Company, Inc.'s bid** and award the project to the next lowest **responsive and responsible bidder**, W.E. Lyons Construction.

W.E. Lyons **reserves all rights, remedies, and causes of action available under law to submit additional bid protests** upon review of the complete true and correct bid documents submitted by all bidders, and further reserves the right to **correct any clerical or listing errors on our own bid form** that may have been denied to us due to the County's failure to release the competing bid information **within the legal 24-hour correction period** as provided under **California Public Contract Code §4104(a)(2)**.

Sincerely,



Bryan Dissman
Senior Estimator
Email: bdissman@welyons.com

Attachment: Buhler Commercial Subcontractor List

cc: Tierra Andrews, Vanir Construction Management, tierra.andrews@vanir.com
Steve Buhler, Buhler Construction Company, Inc, info@buhlercommercial.com
Thomas L. Geiger, thomas.geiger@cc.cccounty.us



Contra Costa County
Public Works
Department

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

Contra Costa County Public Works Department - Capital Projects Management Division

PROJECT TITLE: **BROOKSIDE MENTAL HEALTH REHABILITATION CENTER**

BID OPENING DATE: December 17, 2025

TIME: 2:00 P.M.

ARCHITECT'S BASE BID ESTIMATE: \$19,000,000

PROJECT: **1352401/WH188A**

	NAME OF BIDDER	BASE BID
1.	Buhler Commercial	\$17,516,301
2.	W.E. Lyons Construction	\$17,705,142
3.	D. L. Falk	\$17,998,000
4.	Giant Construction, Inc.	\$19,137,920
5.	Singular Builders	\$20,124,967
6.	Guzman Construction	\$22,295,724

SUBCONTRACTOR LIST FOR BUHLER COMMERCIAL

Business Name	Address	Items/Portions of Work
DHW	Richmond	Demolition
RMC	San Francisco	Concrete
Rick Slater	San Jose	Rough Carpentry
Shasta Wood Products	Cottonwood	Millwork
Diablo Roofing	Hayward	Roofing
ACC Glass	Hayward	Glazing
Ceiling Experts	Roseville	Ceilings
Bakers Flooring	San Mateo	Flooring
Madden & Nelson	S. San Francisco	Paint
East Bay Restaurant Supply	Oakland	Food Service Equipment
Sequoia Fire Protection	Oakland	Fire Sprinkler
Bay City	Richmond	Plumbing
Flanders	Pleasanton	HVAC
Mike Brown	Cotati	Electrical & Fire Alarm
Platinum	Waterford	Site Work
Ransome	San Leandro	Paving
Ahlborn	Santa Rosa	Fencing

SUBCONTRACTOR LIST FOR W.E. LYONS CONSTRUCTION CO.

Business Name	Address	Items/Portions of Work
Ferma Corp	Newark	Selective Demolition & Abatement
REI Build Up	Oakland	Structural Steel
Rick Slater	San Jose	Rough Carpentry
Milltek	Hayward	Casework
Waterproofing Associates	Santa Clara	Roofing
Amex	Hayward	Sheet Metal Flashing & Trim
Mars	San Francisco	Aluminum Framed Entrances
Henley CO	W. Sacramento	Plastering
Custom Drywall	Milpitas	Gypsum Board
De Anza Tile	Fremont	Tile
Highpoint	Rohnert Park	Acoustical Ceiling Systems
Bakers	San Mateo	Flooring
Top Tier	San Francisco	Wood wall coverings
East Bay Food Service	Oakland	Food Service
Everon	Fremont	Fire Sprinklers
K.S. Kruse Plumbing	Pittsburg	Plumbing
Bay Cities	Concord	Paving, Grading Site Utilities
Ricardo Marrun	San Francisco	Concrete Pavement/Site Structural
Ahlborn	Santa Rosa	Chain Link Fence

Marina	Lathrop	Planting Irrigation
Bel Air Mechanical	Martinez	HVAC
Mel Electric	Napa	Electrical
Applied Finishes	Chico	Painting

SUBCONTRACTOR LIST FOR D.L. FALK CONSTRUCTION, INC.

Business Name	Address	Items/Portions of Work
AMG	Oakland	Demolition & Abatement
West Valley Concrete	Modesto	Concrete & Rebar
UMO Steel	Union City	Structural Steel & Metal Fab
Andy's Roofing	San Leandro	Roofings
AAC Glass	Hayward	Aluminum Entrances & Storefront
Henley CO	W. Sacramento	Portland Cement, Plastering
Reliable Construction	Santa Rosa	Gypsum Board
Highpoint Acoustic	Rohnert Park	Acoustical Ceiling & Baffles
Satellite Painting	San Jose	Painting & Coatings
Everon	Fremont	Fire Sprinklers Systems
Kruse Plumbing	Pittsburg	Plumbing
Top Notch Mechanical	Sacramento	HVAC
Mike Brown	Cotati	Electrical & Low Voltages
Bay Cities	Concord	Grading, Paving & Site Utilities
Ahlborn Fence	Santa Rosa	Metal Fencing & Gates
RMT Landscape	Oakland	Landscaping
Rodriguez Sheet Metal	San Jose	Arch Sheet Metal Flashing & Trim
California Tile	San Jose	Tiling
Kim's Flooring	San Francisco	Finished flooring
East Bay Restaurant & Supply	Oakland	Food Service Equipment
Shasta Wood Products	Cottonwood	Wood Veneer Cabinets
Universal Plastic	Roseville	Plastic FRP Paneling
Alumawall	San Jose	Formed Metal Panel & Screen
No Fault	San Bernardino	Poured-in-Place Walking Track

SUBCONTRACTOR LIST FOR GIANT CONSTRUCTION, INCORPORATED

Business Name	Address	Items/Portions of Work
DWH	Richmond	Selective Demo
Ricardo Marrun	San Francisco	CIP Concrete
UMO	Union City	Structural Steel Framing
Shasta Wood Products	Cottonwood	Architectural Wood Casework

AMEX	Hayward	Sheet Metal Flashing & Trim
R. Titus	Morgan Hill	Joint Sealants
Ironwood	Concord	Cement Plastering
Custom Drywall	Milpitas	Gypsum Board
High Point	Santa Rosa	Acoustical Panel Ceilings
Bakers Floor & Surface	San Mateo	Resilient Flooring
Boelter	Sacramento	Food Services Equipment
Everon	Fremont	Fire Suppression Equipment
K.S. Kruse	Pittsburg	Plumbing
Turnkey	Hayward	HVAC
M.B. Electric	Cotati	Electrical
Cal Turf & Landscaping	Clovis	Planting & Irrigation
Playgrounds Unlimited	Santa Clara	Pour-in-Place Track Surface
Duran & Venables	Milpitas	Earthwork
Applied Finishes	Chico	Painting & Coating
Alcal	Fremont	Asphalt Shingles
Lincoln Glass	San Jose	Aluminum Framed Entrances

SUBCONTRACTOR LIST FOR SINGULAR BUILDERS

Business Name	Address	Items/Portions of Work
DWH Creative Contracting, Inc.	Richmond	Selective Demolition/Abatement
Berkeley Cement	Berkeley	Site & Structural Concrete
E & S Masonry Corporation	Castro Valley	CMU
Hayward	Hayward	Miscellaneous Metals
Gleaves Contractors, Inc.	San Francisco	Miscellaneous Metals
Jose	San Jose	Rough Carpentry
Milltek	Hayward	Millwork
Hayward	Hayward	Roofing
Sacramento	Sacramento	Insulation
Sullivan Construction Company, Inc.	Concord	Doors, Frames, and Hardware
Contra Costa Doors	Concord	Coiling Doors
Glazzen	San Francisco	Glazing
Freas Plastering Company, Inc.	Concord	Plaster
Sonoma	Sonoma	Drywall
Magnum Drywall	San Jose	Drywall
De Anza Tile	Fremont	Tile
Daley's Drywall	Campbell	Acoustical Ceiling
Bakers Flooring	San Mateo	Flooring
KBI Painting, Inc.	Pateluma	Painting
East Bay Restaurant Supply	Oakland	Food Service Equipment
Oakland	Oakland	Fire Sprinklers
Egan Plumbing, Inc.	San Carlos	Plumbing

