



City of La Habra

"A Caring Community"

PUBLIC WORKS DEPARTMENT ENGINEERING DIVISION

110 E. La Habra Boulevard
Post Office Box 337
La Habra, CA 90633-0785
Office: (562) 383-4151
www.lahabracal.gov

November 2, 2021

Vido L. Samarzich, Vice President
Vido Samarzich, Inc.
6829 Billings Place
Rancho Cucamonga, California 91701

RE: Bid Protest - Annual Sidewalk and Curb Access Ramp Improvements FY 20-21, Project 3-R-20

Dear Mr. Samarzich,

Please consider this letter as a formal response to your protest letter dated October 27, 2021, in reference to the **Annual Sidewalk and Curb Access Ramp Improvements FY 20-21, Project 3-R-20 (Project)**.

In your letter, you listed a number of reasons and concerns regarding the apparent low bidder's bid by Horizons Construction Co. Int'l, Inc., and in your opinion – it is an incomplete bid and therefore it should be considered as "non-responsive".

City staff carefully reviewed your reasons and concerns and although there were some discrepancies and/or irregularities in the apparent low bidder's bid, these were minor in nature, inconsequential and thus the City will be exercising the right to waive such informalities or irregularities, per the Contract Specifications.

The City found no substantial reason to deem the lowest apparent bidder as non-responsive and therefore, the City will be proceeding with award of the contract for the above-reference project to Horizons Construction Co. Int'l, Inc.

Should you have any questions, please do not hesitate to contact me at (562) 383-4153 or by email at amendoza@lahabracal.gov.

Sincerely,

Albert Mendoza, P.E.
Deputy Director of Public Works / City Engineer

Attachment: One – Bid Protest Letter

VIDO SAMARZICH, INC.

ATTACHMENT ONE

General Engineering Contractor No. 433210 A

6829 BILLINGS PLACE, RANCHO CUCAMONGA, CALIFORNIA 91701

TELEPHONE 909-987-6377

FAX 909-987-8988

October 27, 2021

Ms. Raquel Garcia
City of La Habra
Department of Public Works, Engineering Division
110 E. La Habra Blvd.
La Habra, CA 90631

RE: Bid Protest for Annual Sidewalk and Curb Access Ramp Improvements FY 20-21, Project No 3-R-20

Ms. Garcia:

Please consider this our formal bid protest for the above subject project, which bid on October 20, 2021. The results of the bid are as follows:

- Horizons Construction Co. Int'l, Inc. - \$271,990.00 – low bidder
- Vido Samarzich, Inc. \$278,208.00 – second low bidder
- FS Contractors - \$281,166.00 – third low bidder

After requesting and reviewing the bid documents of the low bidder, Horizons Construction CO. Int'l, Inc. (Horizons), it is apparent that Horizons' bid is non-responsive. Regarding bid proposals, the Instructions to Bidders clearly state:

"When presented, they must be completely made out in the manner and form indicated therein, showing the proposed prices clearly and legibly and must be properly signed by the bidder."

Horizons' bid proposal was not completely made out as they failed to include page D-3 of the proposal with their bid. Due to page D-3 being the signature page of the proposal, it is clear that their proposal was not properly signed by the bidder, as the signature was missing along with page D-3 in its entirety. Horizons' submitted an incomplete bid.

The Special Provisions, Section 1. DEFINITION OF TERMS defines a "BIDDER" as:

"Any individual, firm or corporation submitting a bid to furnish the materials and equipment and perform the work herein specified, properly made out on the form furnished by the City Engineer, duly executed by the bidder and enclosed within a sealed envelope directed to the City Clerk, Civic Center, 110 E. La Habra Blvd., La Habra, California 90631."

It appears that by Horizons' not having a signature included with their proposal, they do not even meet the definition of a "BIDDER" as defined in the project specifications.

It is for these reasons that we respectfully request that the City find Horizons' bid non-responsive and award the contract for this project to the second low bidder, our firm, Vido Samarzich, Inc.

Sincerely,



Vido L. Samarzich
Vice President