



March 12, 2024

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

ATTN: MSC 43
Office Engineer

RE: BID #03-3H8304
SIDEWALKS, CURB, RAMPS & DRAINAGE FACILITIES

01

Dear Sir or Madam,

Patriot Contracting, Inc. ("PCI") hereby formally protests¹ bid #03-3H8304 submitted by Pacific Infrastructure Construction LLC ("Pacific") on March 7, 2024, at 2:00PM, on the following grounds.

The bid submitted by Pacific does not reflect the true value of one of the bid line items. Specifically, bid item #139 calls for *Cost of Additive #1, RETAINING WALL*, for which Pacific entered an amount of \$15,000, which we believe is objectively incorrect. Pacific's pricing clearly shows a lack of understanding of the Scope of Work for that line item, or they didn't adequately review Plan Sheets R1-1 and R1-2 & other plan sheets which show the retaining wall/sizes, specification & other requirements.

Importantly, the amount proposed by Pacific does not even cover the cost of a survey or layout, much less the cost to actually perform the work required by that line item 139.

Legal commentators have stated that a challenge that a bid is not responsive requires an agency to engage in a two-part inquiry: First, an agency must decide whether the apparent lowest bid conforms with the bid requirements. Second, if there was any deviation from the bid requirements or a mistake, was the deviation or mistake material or immaterial. A public agency may, but is not required to, waive immaterial deviations or mistakes. Deviations or mistakes from the bid requirements are not material if they do not:

- Affect the amount of the bid; or
- Give an advantage or benefit not allowed other bidders.

Here, clearly the line 139 pricing "mistake" by Pacific was a material deviation, as it directly impacts the amount of their bid, and clearly, thus, gives them an advantage over other bidders.

¹ PCI suspects that the Department will on its own deem Pacific's bid as non-responsive, due to the incorrect value of bid item 139, but submits this protest in the event that the Department requires, or prefers, an actual protest in place to act as a decision trigger.

PATRIOT
CONTRACTING, INC.
19031 S. Hamilton Ave • Gardena, CA 90248

On public bids, bidders certify that they have reviewed and understand the bid and its requirement, but this appears not to be the case for Pacific, as least as to the scope and pricing of line item 139, and their bid should therefore be considered non-responsive and be rejected.

PCI respectfully requests that the Department deem Pacific's bid as nonresponsive, and to instead award the Project to PCI as the lowest responsive bidder.

We appreciate the Department's careful attention and prompt action on this matter, and look forward to hearing back.

Respectfully submitted,

PATRIOT CONTRACTING, INC.



Mohammad Beigi
President

Bid Opening Date: 03/07/2024

Contract Number: 03-3H8304

Page 7

03/08/2024

Contract Proposal of Low Bidder
PACIFIC INFRASTRUCTURE CONSTRUCTION, LLC

Item No.	Item Code	Item Description	Unit of Measure	Estimated Quantity	Bid	Amount
0126	F 048437	ORNAMENTAL RAILING	LF	215.0	645.00	138,675.00
0127	839584	ALTERNATIVE IN-LINE TERMINAL SYSTEM	EA	1.0	8,500.00	8,500.00
0128	839752	REMOVE GUARDRAIL	LF	290.0	25.00	7,250.00
0129	840516	THERMOPLASTIC PAVEMENT MARKING (ENHANCED WET NIGHT VISIBILITY)	SQFT	1,270.0	11.00	13,970.00
0130	840651	PAINTED STALL LINES AND PAVEMENT MARKINGS	SQFT	160.0	8.00	1,280.00
0131	846008	6" THERMOPLASTIC TRAFFIC STRIPE (ENHANCED WET NIGHT VISIBILITY) (BROKEN 8-4)	LF	22.0	1.00	22.00
0132	846009	8" THERMOPLASTIC TRAFFIC STRIPE (ENHANCED WET NIGHT VISIBILITY)	LF	50.0	4.00	200.00
0133	846025	REMOVE PAINTED PAVEMENT MARKING	SQFT	170.0	6.00	1,020.00
0134	846030	REMOVE THERMOPLASTIC TRAFFIC STRIPE	LF	450.0	6.00	2,700.00
0135	846035	REMOVE THERMOPLASTIC PAVEMENT MARKING	SQFT	380.0	6.00	2,280.00
0136	870009	MAINTAINING EXISTING TRAFFIC MANAGEMENT SYSTEM ELEMENTS DURING CONSTRUCTION	LS	LUMP SUM	5,000.00	5,000.00
0137	872133	MODIFYING SIGNAL AND LIGHTING SYSTEMS	LS	LUMP SUM	145,000.00	145,000.00
0138	999990	MOBILIZATION	LS	LUMP SUM	970,000.00	970,000.00
0139	011930	ADDITIVE ITEM 1	LS	LUMP SUM	15,000.00	15,000.00
					Bid Amount:	\$9,639,370.90