

CITY OF CULVER CITY
TRANSPORTATION DEPARTMENT
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Culver CITY

December 8, 2022

Reyes Engineering Corp.
Attention: Jose Raul Reyes, President
628 Thompson Avenue
Glendale, CA 91201

Re: Protest Response Letter – Bid 2302 CityBus Electrification
Infrastructure Construction Project

Dear Mr. Reyes:

Culver City received your protest letter dated November 30, 2022. In preparing this response, I read your letter carefully and examined the solicitation and contents of the procurement file.

In accordance with solicitation documents for Bid 2302, Bidding Instructions item #20.1, “The Buyer expressly reserves the right to accept or reject any and all bids, or any item or part thereof, or to waive any informalities or irregularities in bids received without indicating any reasons for such actions.”

A. Owner-Supplied Forms

In your protest letter, you state, “That R2Build dba R2B Engineering, Inc.’s submitted bid failed to comply with the City’s bid requirement per Section B, Item 2 Bid and Bid Forms, Owner Supplied Forms (See Exhibit “A”)”, and that, “Per attached copy of Section C, Page C-15, Supplementary Bid Form No. 2, Listing of Proposed Suppliers of the bid document submitted by R2Build (See Page 30/30 of Exhibit B), [t]he apparent low bidder failed to provide information for their proposed suppliers.”

Upon initial review of R2Build’s proposed bid package, City staff recognized R2Build had failed to submit a “LISTING OF PROPOSED SUPPLIERS.” However, staff reached out to R2Build on November 30, 2022, in a bid clarification meeting to request this proposed listing, which was subsequently provided to the City on December 2, 2022. Staff reviewed R2Build’s bid documents in their entirety and determined that the missing information regarding the “LISTING OF PROPOSED SUPPLIERS” was a clerical error and R2Build did not gain any advantage by that error.

The City has discretion in using its judgment to determine whether the entirety of the information presented makes the intent of the bidder known. Staff is therefore waiving the supplier’s list

irregularity/clerical error in R2Build's bid and thus deems its bid responsive.

B. Filling in Forms

In your protest letter, you stated a second concern that R2Build failed to indicate an amount for Proposed Unit Price and Total for line item C2. You highlighted your company had bid \$320,000 for said line item, which is "an enormous amount that should not be ignored."

Again, upon initial review of R2Build's proposed bid package, City staff recognized line C2 was listed as zero and in our November 30, 2022, bid clarification meeting asked for an explanation as to why the line item was \$0. R2Build clarified they understood line C2 to be the work supplied by SCE and, thus, left this line item blank. R2Build further clarified all of the costs for the duct bank work necessary for the job was included in line items C3 and C4. This was subsequently documented to the City in a formal letter dated December 2, 2022. Staff accepts the bid does cover all duct bank work required for the job within their total bid and, thus, R2Build's bid has been deemed responsive.

Therefore, in full review of the bid, Culver City has deemed R2Build the lowest responsive and responsible bidder, and, thus, the City denies your protest.

Protestors may appeal an adverse decision by the Chief Transportation Officer by submitting a protest to the Federal Transit Administration (FTA) in accordance with the provisions of FTA Circular 4220.1, as currently in effect as of the date of Culver City's decision on the protest. Under the provision of the FTA Circular, FTA will only review protests regarding the alleged failure of Culver City to have written protest procedures, the alleged failure to have followed such protest procedures, the alleged failure to review a complaint or protest, or violations of federal law or regulations. In accordance with the FTA Circular, such protest must be filed no later than five days after the protestor knew or should have known of Culver City's alleged failure listed above.

As to the enormity of the bid quote, City staff completed a price analysis of the received bids and compared the pricing to the Independent Cost Estimate (ICE) prepared by AECOM. Overall, R2BUILD's proposal was 12.51% over the cost estimate, while Reyes' proposal was at 58.8%. Within the underground electrical section C, R2Build was 19.52% higher and Reyes' costs were 176.14% higher than the ICE. If staff excluded this line item from consideration for Reyes' bid, the costs in section C would still be 100% higher than the cost estimate, and the overall price would be 48.81% higher than the estimate. R2BUILD would still be the lowest bid.

Sincerely,

Diana Chang

Transportation and Mobility Planning Manager

Culver City Employees take pride in effectively providing the highest levels of service to enrich the quality of life for the community by building on our tradition of more than one hundred years of public service, by our present commitment, and by our dedication to meet the challenges of the future.

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Reyes Electrical Protest Response Letter






12.8.22

Final Audit Report

2022-12-08

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