

APPROVED
JUN 16 2010

REPORT OF GENERAL MANAGER

NO. 10-154

DATE June 16, 2010

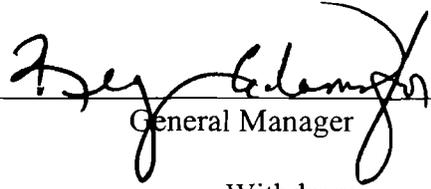
**BOARD OF RECREATION
and PARK COMMISSIONERS**

C.D. 6, 12

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: SEPULVEDA BASIN SPORTS COMPLEX - PHASE I (PRJ#1400S)
(W.O. #E170217F) - REVIEW OF BIDS AND AWARD OF CONTRACT

R. Adams	_____	F. Mok	_____
H. Fujita	_____	K. Regan	_____
S. Huntley	_____	*M. Shull	<u>mf</u>
V. Israel	_____		



General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATION:

That the Board:

1. Conduct a hearing on the bid protest filed on June 10, 2010, by attorney David Polinsky on behalf of Western Group, Inc.;
2. Find C. S. Legacy Construction, Inc., with a base bid of \$3,365,498 to be the lowest responsive and responsible bidder for the Sepulveda Basin Sports Complex - Phase I (W.O. #E170217F) project;
3. Award the contract to C. S. Legacy Construction, Inc., exercising Additive Alternate No. 1 in the amount of \$674,880, Additive Alternate No. 2 in the amount of \$726,494, Additive Alternate No. 3 in the amount of \$631,944, Additive Alternate No. 4 in the amount of \$615,164, Additive Alternate No. 5 in the amount of \$432,707, and Additive Alternate No. 6 in the amount of \$854,861 for a total contract amount of \$7,301,548, all according to the plans and specifications;
4. Authorize the Chief Accounting Employee to encumber \$7,301,548 in available funds, from the following fund and account numbers under the awarding authority of this Board Report;

<u>FUNDING SOURCE</u>	<u>FUND/DEPT/ACCT.</u>	<u>ENCUMBRANCE AMOUNT</u>
Proposition K Year 11	43K/10/C453	\$227,315

REPORT OF GENERAL MANAGER

PG. 2

NO. 10-154

Proposition K Year 13	43K/10/F453	\$766,675
Proposition K Year 13	43L/10/F453	\$1,182,289
Proposition K Year 13 Reprogrammed Funds	43K/10/F453	\$725,269
Proposition 40 Specified ⁽¹⁾	205/89/YX06	<u>\$4,400,000</u>
FUNDING TOTAL		\$7,301,548

⁽¹⁾ The Proposition 12/40 Cash Flow Funds from the Public Works Trust Fund will be used to cash flow these funds, which will be reimbursed immediately upon receipt of funds from the State.

5. Authorize the Board President and Secretary to execute the contract subject to City Attorney approval as to form.

SUMMARY:

On November 4, 2009, the Board of Recreation and Park Commissioners approved final plans and call for bids for the Sepulveda Basin Sports Complex – Phase I (W.O. #E170217F) project, located at 6300 North Louise, Los Angeles, CA 91316 (Board Report No. 09-264). Plans for this project were prepared by design consultant, Land Images Landscape Architecture, under the direction of the Bureau of Engineering (BOE), Recreational and Cultural Facilities Program. The proposed scope of work involves the development of the first phase of a 65 acre site into a sports complex facility including site grading, sewer and utility connections, and site drainage infrastructure. The sports complex consists of a synthetic soccer field, softball fields, support structures for restrooms, office, meeting room, storage, and electrical support enclosure, parking area with bioswales, picnic areas, pathways, landscape, irrigation, and lighting.

The following items have been identified as Additive Alternates in order to gain flexibility in meeting the desired scope with the available funding:

Additive Alternate No. 1:

Construction of a new one-story, 726 square foot masonry disabled access compliant restroom and electrical building, including plaza curb walls, plaza curb seats, plaza seats, building electrical and lighting, beacon lights on pole roof supports, and adjacent landscape and irrigation, as shown on the plans and specifications;

Additive Alternate No. 2:

Construction of the northeast premier softball field including backstops, player benches, bleachers, field lighting, scoreboard, flag pole, landscape, irrigation and fence, as shown on the plans and specifications;

REPORT OF GENERAL MANAGER

PG. 3

NO. 10-154

Additive Alternate No. 3:

Construction of the northwest softball field including backstops, player benches, bleachers, field lighting, scoreboard, landscape and irrigation, as shown on the plans and specifications;

Additive Alternate No. 4:

Construction of a new one story 726 square foot masonry building for use as staff office and meeting room including plaza curb walls, plaza curb seats, plaza tables, plaza seats, building electrical and lighting, beacon lights on pole roof supports, and adjacent landscape and irrigation, as shown on the plans and specifications;

Additive Alternate No. 5:

Construction of the westerly portion of the parking lot including ac pavement and striping, curb and gutter, bio-swales, landscape, irrigation, and security and walkway lighting, as shown on the plans and specifications;

Additive Alternate No. 6:

Construction of the southeast softball field including backstops, player benches, bleachers, field lighting, scoreboard, water fountain structure, electrical and plumbing, landscape and irrigation along Balboa Boulevard, as shown on the plans and specifications.

On February 16, 2010, twenty-nine bids were received for this project. The lowest responsive and responsible bidder is C. S. Legacy Construction, Inc., with a base bid amount of \$3,365,498 which is \$1,699,502 below the City Engineer's cost estimate of \$5,065,000. The bid amounts received are as follows:

<u>Bidders</u>	<u>Base Bid</u>	<u>Additive Alternate No. 1</u>	<u>Additive Alternate No. 2</u>	<u>Additive Alternate No. 3</u>	<u>Additive Alternate No. 4</u>	<u>Additive Alternate No. 5</u>	<u>Additive Alternate No. 6</u>
C.S. Legacy Construction, Inc.	\$3,365,498	\$674,880	\$726,494	\$631,944	\$615,164	\$432,707	\$854,861
Western Group, Inc.	\$3,997,000	\$849,000	\$745,000	\$693,000	\$750,000	\$680,000	\$877,000
AWI Builders, Inc.	\$4,199,000	\$836,000	\$137,402	\$337,000	\$655,304	\$336,005	\$348,806
Acon Development, Inc.	\$4,355,760	\$559,535	\$384,700	\$362,380	\$393,850	\$750,100	\$473,900
Simgel Co., Inc.	\$4,492,000	\$700,000	\$680,000	\$690,000	\$720,000	\$890,000	\$780,000
L.A. Builders, Inc.	\$4,550,000	\$571,000	\$611,000	\$558,000	\$520,000	\$399,000	\$603,000
AMG & Associates, Inc.	\$4,612,000	\$559,000	\$453,000	\$461,000	\$398,000	\$627,000	\$524,000

REPORT OF GENERAL MANAGER

PG. 4

NO. 10-154

Bidders	Base Bid	Additive Alternate No. 1	Additive Alternate No. 2	Additive Alternate No. 3	Additive Alternate No. 4	Additive Alternate No. 5	Additive Alternate No. 6
Environmental Construction, Inc.	\$4,625,900	\$624,530	\$542,402	\$476,253	\$563,424	\$537,138	\$542,000
Wadsworth Golf Construction Company of the SW	\$4,632,730	\$338,300	\$531,280	\$385,610	\$237,420	\$488,070	\$522,535
Delmac Construction & Development, Inc.	\$4,686,000	\$391,000	\$405,000	\$321,000	\$297,000	\$550,000	\$438,000
Park West Landscape, Inc.	\$4,696,700	\$533,200	\$502,700	\$334,300	\$455,700	\$485,500	\$696,900
New Creation Engineering & Builders, Inc.	\$4,708,000	\$280,000	\$392,000	\$350,000	\$230,000	\$360,000	\$420,000
Ohno Construction Company	\$4,858,000	\$515,000	\$470,000	\$338,000	\$440,000	\$421,000	\$564,000
Woodcliff Corporation	\$4,903,000	\$220,000	\$330,000	\$345,000	\$172,000	\$320,000	\$410,000
USS Cal Builders, Inc.	\$4,912,000	\$728,000	\$685,000	\$405,000	\$486,000	\$675,000	\$685,000
Fredrick Towers Inc.	\$4,984,000	\$628,000	\$550,000	\$450,000	\$480,000	\$460,000	\$585,000
Cal Fran Engineering, Inc.	\$5,005,000	\$510,000	\$515,000	\$424,000	\$410,000	\$535,000	\$645,000
Los Angeles Engineering, Inc.	\$5,093,900	\$590,000	\$698,000	\$517,000	\$573,000	\$560,000	\$736,000
FTR International, Inc.	\$5,150,000	\$1,200,000	\$1,500,000	\$1,200,000	\$1,100,000	\$1,250,000	\$1,400,000
Union Engineering Company Inc.	\$5,231,500	\$497,000	\$493,700	\$425,500	\$544,400	\$663,000	\$594,000
Excel Paving Company	\$5,243,168	\$480,000	\$693,161	\$569,780	\$398,672	\$488,229	\$881,888
Waisman Construction, Inc.	\$5,331,000	\$800,000	\$880,000	\$700,000	\$690,000	\$850,000	\$1,100,000
Hanan Construction Company, Inc.	\$5,333,000	\$520,000	\$1,440,000	\$1,250,000	\$655,000	\$740,000	\$1,500,000
Gonzales Construction	\$5,371,441	\$318,181	\$562,049	\$503,424	\$263,617	\$607,621	\$527,180

REPORT OF GENERAL MANAGER

PG. 5

NO. 10-154

<u>Bidders</u>	<u>Base Bid</u>	<u>Additive Alternate No. 1</u>	<u>Additive Alternate No. 2</u>	<u>Additive Alternate No. 3</u>	<u>Additive Alternate No. 4</u>	<u>Additive Alternate No. 5</u>	<u>Additive Alternate No. 6</u>
Royal Construction Corp.	\$5,777,000	\$296,000	\$655,000	\$595,000	\$290,000	\$450,000	\$595,000
Ace Engineering, Inc.	\$5,918,800	\$394,000	\$826,800	\$747,000	\$396,600	\$706,100	\$786,900
Morillo Construction, Inc.	\$6,150,000	\$411,000	\$420,000	\$339,000	\$266,000	\$438,000	\$538,000
Mallcraft, Inc.	\$6,750,000	\$510,000	\$507,000	\$368,000	\$434,000	\$381,000	\$536,000
Ian Thomas Group, Inc.	\$7,180,000	\$391,000	\$375,000	\$270,000	\$391,000	\$426,000	\$342,000

Western Group, Inc., submitted a written inquiry dated February 24, 2010 (Attachment "A"), regarding their concerns that C. S. Legacy Construction, Inc., did not provide a complete breakdown of the work that they will self perform, did not list a bonded qualified subcontractor to perform the sewer work, did not provide a base bid for the plumbing portion of the work, did not list a subcontractor for structural steel, listed an amount for the electrical portion of the project that is below the cost of the materials and thus raises concerns about whether C. S. Legacy Construction, Inc.'s base bid amount is sufficient to complete the base bid work, and failed to list any Minority Owned Business Enterprise (MBE), Women Owned Business Enterprise (WBE) or Small Business Enterprise (SBE) subcontractors. Although Western Group's communication was an inquiry and not a formal bid protest, BOE staff has provided responses (Attachment "B") to the issues raised by Western Group about C. S. Legacy Construction, Inc.'s bid. BOE staff has determined that the issues raised by Western Group, Inc., in their letter or inquiry are unfounded and do not affect the recommendation that the project be awarded to C. S. Legacy Construction, Inc.

On June 10, 2010, a bid protest (Attachment "C") was filed by attorney David Polinsky on behalf of Western Group, Inc. (the second lowest bidder) protesting awarding the construction contract for this project to C. S. Legacy Construction, Inc. The bid protest asserts that C. S. Legacy Construction, Inc., is not a responsive and responsible bidder for failing to list a structural steel subcontractor to perform the structural steel fabrication and installation work on several of the additive alternates.

Pursuant to City of Los Angeles Administrative Code Section 10.14, Schedule "A" of the bid documents requires the prime contractor to list the name and address of each subcontractor who will perform work on the project in an amount in excess of one-half of one percent (1/2%) of the prime contractor's total bid or \$10,000, whichever is greater. Suppliers of materials are not subcontractors and thus do not have to be listed on Schedule "A". Failure of the prime contractor to specify a subcontractor for work that meets the threshold amount requiring listing of the subcontractor

REPORT OF GENERAL MANAGER

PG. 6

NO. 10-154

constitutes agreement by the prime contractor that it is fully qualified to perform that work and will perform that work with its own forces.

On June 14, 2010, C. S. Legacy Construction, Inc., submitted a response (Attachment "D") to Western Group, Inc.'s bid protest stating that C. S. Legacy Construction, Inc.'s bid is based on C. S. Legacy Construction, Inc., itself purchasing the materials (steel) directly from a supplier and having a qualified/licensed subcontractor perform the installation work for the additives that involve structural steel. C. S. Legacy Construction, Inc., further states that the value of the installation work is below the amount that would require the subcontractor to be listed. Since suppliers do not have to be listed, C. S. Legacy Construction, Inc., was only required to list the subcontractor doing the steel installation work if the work was more than one-half of one percent of the total bid.

Because C. S. Legacy Construction, Inc., did not list a subcontractor that would perform the installation work, at such time as the steel work is to commence on the project, C. S. Legacy Construction, Inc., would be restricted to using a subcontractor for the installation work for an amount below one-half of one percent of C. S. Legacy Construction, Inc.'s total bid or C. S. Legacy Construction, Inc., must do the work itself if it is properly licensed or has an employee on staff who is properly licensed to do the work. The Department of Public Works, Bureau of Contract Administration monitors various aspects of City construction projects, including compliance with subcontracting requirements and ensuring that work is done by entities or individuals that are properly licensed.

Based on the foregoing, there is no need for the Board to waive any requirements of the bid documents. Staff recommends that the Board deny the bid protest and award the project to C. S. Legacy Construction, Inc., as discussed in this report.

The bid specifications stated the low bidder would be determined to be the responsible and responsive bidder submitting the lowest base bid. C. S. Legacy Construction, Inc., submitted the lowest base bid, as shown above. It is recommended that the project be awarded to C. S. Legacy Construction, Inc., for a total construction contract of \$7,301,548, which includes Additive Alternate Nos. 1, 2, 3, 4, 5 and 6.

Sufficient funds are available to award the contract and for project contingencies from the following funding sources:

<u>FUND SOURCE</u>	<u>FUND/DEPT/ACCT</u>
Proposition K Year 11	43K/10/C453
Proposition K Year 13	43K/10/F453
Proposition K Year 13	43L/10/F453
Proposition K Year 13 Reprogrammed Funds	43K/10/F453

REPORT OF GENERAL MANAGER

PG. 7

NO. 10-154

Proposition K Interest	43K/10/F453
Proposition K Inflation	43K/10/F453
Proposition 40 Specified	205/89/YX06

Staff has reviewed the subcontractor outreach effort made by C. S. Legacy Construction, Inc., and based on the documents submitted, has determined that a “good faith” effort has been made. C. S. Legacy Construction, Inc., satisfied 77 of the 100-point requirement outlined by the Board’s Outreach Program. Per the Board’s policy a score of 75 points or above satisfies the “good faith effort” requirements. The Outreach Document Package is on file in the Board Office and a synopsis of said package is attached.

The City Attorney and staff have reviewed the bid submitted by C. S. Legacy Construction, Inc., and found it to be in order. Staff recommends that the Board find C. S. Legacy Construction, Inc., to be the lowest responsive and responsible bidder.

Staff reviewed the responsiveness and work performance of C. S. Legacy Construction, Inc., on past Department projects and found them to be satisfactory. The Department of Public Works, Office of Contract Compliance (OCC) indicated that there have been no labor compliance violations and that all other legal requirements have been complied with by the bidder.

In accordance with the requirements of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), a joint Environmental Assessment/Mitigated Negative Declaration (EA/MND) was prepared based on an Environmental Assessment/Initial Study, which determined that all potentially significant environmental effects would be mitigated to a less than significant level. The final EA/MND and Initial Study was approved by the Board on March 19, 2008 (Board Report No. 08-76) and the Notice of Determination (NOD) was filed with the Los Angeles County Clerk on March 25, 2008.

FISCAL IMPACT STATEMENT:

There is no anticipated fiscal impact to the Department’s General Fund because the project’s construction costs will be fully funded by the above listed funding sources specifically identified and approved for use of this project. The assessments of the future operations and maintenance costs have yet to be determined and would be addressed in future budget requests.

This report was prepared by Sean Phan and reviewed by Cathie Santo Domingo, Project Manager, Recreational and Cultural Facilities Program; by Neil Drucker, Program Manager, Recreational and Cultural Facilities Program; by Deborah Weintraub, Chief Deputy City Engineer, Bureau of Engineering; and by Michael A. Shull, Superintendent, Planning and Construction, Department of Recreation and Parks.

REPORT OF GENERAL MANAGER

PG. 8

NO. 10-154

Attachments:

Good Faith Effort Checklist

Attachment "A" - Letter of Inquiry from Western Group Inc., dated February 24, 2010

Attachment "B" - Bureau of Engineering's Memorandum Dated June 4, 2010 with responses to Western Group's letter of inquiry

Attachment "C" - Bid Protest dated June 10, 2010 filed by David Polinsky, Harrig & Vogt, LLP on behalf of Western Group Inc.

Attachment "D" - C.S. Legacy Construction, Inc., letter dated June 14, 2010 responding to Western Group's bid protest

GOOD FAITH EFFORT CHECKLIST- EVALUATION DRAFT WORK

Bidder: C. S. Legacy Construction, Inc

Bid Date: February 16, 2010

PROJECT: Sepulveda Basin Sports Complex Phase 1

W. O. #E170217F

Indicator	Required Documentation	Description of Submitted or Missing Documentation	Points	
1	The bidder's or proposer's efforts to obtain participation by MBEs, WBEs and other business enterprises could reasonably be expected by the Board of Recreation and Park Commissioners (the "Board") to produce a level of participation by interested sub-contractors, including 15% MBE and 2% WBE.		0	0
2 Pre-Bid Meeting	a) Attend pre-bid meeting and be listed on the attendance sheet; or b) Submit a letter prior to the pre-bid meeting either by fax to (213) 847-0703, or by mail to the Bureau of Engineering, Project Award and Control Division, 1149 S. Broadway, 1 st Floor, Los Angeles, Ca. 90015.	Did not attend meeting nor submit letter of excuse	10	0
3 Work Areas	Proof of this must be demonstrated in either Indicator 4 or 5.	Did not put statement specifying work areas	13	0
4 Ad	A copy of the advertisement or a proof of publication statement or other verification which confirms the date the advertisement was published. The advertisement must be specific to the project, not generic, and may not be a planholder advertisement provided by the publication. It should include the City of Los Angeles project name, name of bidder, areas of work available for subcontracting, and a contact person's name and telephone number, information on the availability of plans and specifications and the bidder's policy concerning assistance to subcontractors in obtaining bonds, lines of credit and/or insurance. Consideration will be given to the wording of the advertisement to ensure that it did not exclude or seriously limit the number of potential respondents.		9	9
5 Letters to Potential Subs	A copy of each letter sent to available MBEs, WBEs and OBEs for each item of work to be performed. If there is only one master notification, then a copy of the letter along with a listing of all recipients will suffice. Faxed copies must include the fax transmittal confirmation slip showing the date and time of transmission. Mailed letters must include copies of the metered envelope or certified mail receipts. Letters must contain areas of work to be subcontracted, City of Los Angeles project name, name of the bidder, and contact person's name, address, and telephone number.		10	10
6 Follow-up to Letters	A copy of telephone logs. These logs must include the name of the company called, telephone number, contact person, who did the calling, time, date, and the result of the conversation. Bidder must follow-up with all subcontractors to whom they sent letters.		10	10
7 Plans	Include in Indicator 4 or 5, information detailing how, where and when the bidder will make the required information available to interested subcontractors.		5	5
8 Outreach Letters	A copy of each letter sent to outreach agencies requesting assistance in recruiting MBEs, WBEs and OBEs. Faxed copies must include the fax transmittal confirmation slip showing the date and time of transmission. Mailed letters must include copies of the metered envelopes or certified mail receipts. Letters must contain areas of work to be subcontracted, City of Los Angeles project name, name of the bidder, and contact person's name, address, and telephone number.		10	10
9 Negotiate in Good Faith	a) Copies of all MBE/WBE/OBE bids or quotes received; and b) Summary sheet organized by work area, listing bids received and the subcontractor selected for that work area. If the bidder elects to perform a listed work area with its own forces, they must include a bid that shows their own costs for the work.		26	26
10 Bonds	Include in Indicator 4 or 5, information about the bidder's efforts to assist with bonds, lines of credit and insurance.		7	7
TOTAL POINTS ACHIEVED			77	
MBE/WBE % ACHIEVED:			0%	

MBE= 0% WBE= 0% OBE= 40% PRIME= 34%

RESPONSIVE

Attachment "A"

Letter of Inquiry from Western Group Inc. dated February 24, 2010

Western Group Inc.

General Engineering * General Construction * Electrical * License # 802113
21777 Ventura Blvd., Suite 224 Woodland Hills, CA 91364
Tel: (818) 884-5105 Fax: (818) 884-4620 Email: westerngroupinc@hotmail.com

FACSIMILE TRANSMITTAL SHEET

DATE: 2-25-10

Page 1 of 9

TO: Kathy Santo Domingo
COMPANY: _____

PHONE #: _____

FAX #: 213-473-9938

FROM: Sion Shabo

RE: Seaweed Basin Sports Complex

Office of Engineering
PROP. R
Received
MAR 01 2010

DOCUMENT CONTROL

NOTES:

Please find attach Western Group Inc letter
and a list of Bonded Sewer Contractors.
Please forward this to Mary E. Alvarez
from the Board of Commissioner of Recs. & Parks.

Thank you.

Western Group Inc.

General Engineering * General Construction * Electrical * License # 802113
21777 Ventura Blvd., Suite 224 Woodland Hills, CA 91369
Tel: (818) 884-5105 Fax: (818) 884-4620 Email: westerngroupinc@aol.com

February 24, 2010

Kathy Santo Domingo
221 N. Figueroa St Suite 1510
Los Angeles Ca 90012

RE: Sepulveda Basin Sports Complex
Project No. E170217F

"Issues of Concern Regarding Base Bid Submitted by C.S. Legacy"

We here at Western Group Inc. would like to bring to you attention some concerning issues in regards to C.S. Legacy Construction Inc. base bid submitted for the Sepulveda Basin Sports Complex Project No. E170217F on February 16th, 2010.

The base bid submitted lacks significant dollar value and subcontractor information necessary to complete the project. On page 16 of the bid documents submitted C.S. Legacy Construction Inc. failed to completely describe their breakdown of work to be self performed in the Description of work, if you note in the list of subcontractors listed by C.S. Legacy, they did not list a bonded qualified subcontractor to perform the sewer connection on the street, with a value of approx \$200,000.00, (Please see attached sheets of approved and bonded sewer subcontractors) and also wrote the letters TBD in the dollar value to be performed by Prime Bidder.

Also please note that on sheet 16 C.S. Legacy Construction Inc. failed to list a price for the base bid of the plumbing portion of work which is required per the base bid documents, note C.S. Legacy only listed a all price in the amount of \$47,800.00 for the plumbing work.
Furthermore C.S. Legacy also failed to list a structural steel subcontractor to perform the Structural Steel scope of work for the project.

We would also like to bring to your attention the base bid dollar value listed by C.S. Legacy in the amount of \$248,000.00, for the electrical portion of the project, this value is below the cost of the material, and raises a concern if C.S. Legacy Construction Inc. has the significant dollar value to complete the project in the Base Bid.

In closing I would like to bring to your attention that C.S. Legacy Construction Inc. failed to list any MBE, SBE, or WBE subcontractors, and all though it is not required to list MBE, SBE, or WBE subcontractors, there are concerns if C.S. Legacy performed the Good Faith Effort. Please note that per our schedule B submitted we at Western Group Inc listed subcontractors that fall under this category.



Thank you,

WESTERN GROUP INC.
Sion Shabo



Sewer and Storm Drain Permits MAIN MENU

- Instructions
- Apply for a Sewer Connection Permit
- Apply for Supplemental Sewer Permit
- Apply for a Dye Test
- Apply for a Storm Drain Permit
- Check the Status of an Application
- Approved Bonded Sewer Contractor List
- Bonded Sewer Contractor Information
- Frequently Asked Questions

CITY OF LOS ANGELES APPROVED LIST OF BONDED SEWER CONTRACTORS
(Sorted Alphabetically)

The Bureau of Engineering is providing this list for information only. Other sewer contractors can become approved by the Board of Public Works after meeting the Board Requirements. For more information about the approval process, click on "Bonded Sewer Contractor Information"

Contractor Name	Address	City	State	Zip Code	Phone No.	Status
ADEE PLUMBING & HEATING, INC.	5457 CRENSHAW BLVD.	LOS ANGELES	CA	90043	323-296-8787	Active
ALLIED PLUMBING & ENGINEERING (GILBERT CARBAJAL)	17437 ARMINTA ST	NORTHRIDGE	CA	91325	818-606-9260	Active
ALR CONSTRUCTION CO., INC.	2205 LEE AVE	S. EL MONTE	CA	91733	626-442-1191	Active
AMERICAN CONTRACTORS, INC.	404 W BLUERIDGE AVENUE	ORANGE	CA	92865-4204	714-282-5700	Active
AMIREH SEWER CONTRACTOR (SUHAIL A. AMIREH)	3252 MOUNTAINVIEW AVE	LOS ANGELES	CA	90066	310-313-3404	Active
ANDREW PAPAC & SONS	2030 SANTA ANITA AVE.	SOUTH EL MONTE	CA	91733	626-443-4061	Active
ANGEL PLUMBERS, INC.	711 DURHAM LANE #A	VENTURA	CA	93004	818-357-2334	Active
ANTELOPE EQUIPMENT, INC.	1701 RIMPAU AVENUE #102	CORONA	CA	92881	951-737-1481	Active
ARB, INC	26000 COMMERCENTRE DRIVE	LAKE FOREST	CA	92630	949-454-7115	Active
BALI CONSTRUCTION	9852 JOE VARGAS WAY	SOUTH EL MONTE	CA	91733	626-442-8003	Active
BIGOL SERVICES, INC	1813 IVESBROOK STREET	LANCASTER	CA	93535	213-509-1064	Active
BILL LINDON	17567 CHASE STREET	NORTHRIDGE	CA	91325	818-345-2256	Active
BLOIS CONSTRUCTION INC	3201 STURGIS ROAD	OXNARD	CA	93030	805-656-1432	Active
BLUEWATER PLUMBING & FIRE PROTECTION, INC.	10057 OXNARD STREET	VAN NUYS	CA	91411	818-781-9481	Active
BOB & MARC PLUMBING (SANDAN PLUMBING COMPANY, INC)	3336 W. ROSECRANS AVE.	HAWTHORNE	CA	90250	310-970-1099	Active
BURNS-PACIFIC CONSTRUCTION, INC	505 EAST THOUSAND OAKS BLVD	THOUSAND OAKS	CA	91360	805-371-4171	Active
C.M. PEICH, INC	14850 CENTRAL AVENUE	CHINO	CA	91710	909-597-8413	Active

Sewer - Storm Drain Permits

CHARLES KING COMPANY, INC	2841 GARDENA AVE	SIGNAL HILL	CA	90755	562-426-2974	Active
CHRISTIANSEN PIPELINE INC	6374 JURUPA AVENUE	RIVERSIDE	CA	92504	951-687-0650	Active
CLARKE CONTRACTING CORP	4646 MANHATTAN BEACH BLVD.	LAWNDALE	CA	90260	310-542-7724	Active
COBALT CONSTRUCTION COMPANY	2259 WARD AVE	SIMI VALLEY	CA	93065	805-577-6222	Active
COBLENTZ PLUMBING & SEWER CONTRACTORS	1127 N PARISH PLACE	BURBANK	CA	91506	818-845-9300	Active
CODY ENGINEERING	14103 LONGWORTH AVENUE	NORWALK	CA	90651	562-868-2252	Active
COLICH & SONS, L.P	547 W. 104TH STREET	GARDENA	CA	90248	323-770-2920	Active
DAVE BISCHOF, INC	P.O. BOX 2151	VAN NUYS	CA	91404	818-997-7770	Active
DAVIS CONSTRUCTION PLUMBING, INC	P.O. BOX 215	ACTON	CA	93510	661-269-4325	Active
DELTA PIPELINE INC (DELTA COMPANY)	1407 FOOTHILL BLVD. # 232	LA VERNE	CA	91750	909-592-8772	Active
DOJA, INC	5050 W MISSION BLVD	ONTARIO	CA	91762	909-823-1999	Active
DOFFY BROS EQUIPMENT CO	11232 E FIRESTONE BLVD.	NORWALK	CA	90650	562-864-6566	Active
E.W. HARMON, INC.	3344 HAMNER AVE	NORCO	CA	92860	951-371-0272	Active
E.Z. ROTH PLUMBING INC.	5747 MELROSE AVENUE	LOS ANGELES	CA	90038	323-469-5692	Active
ESCOBAR CONTRACTING, INC	3767 OVERLAND AVE. #109	LOS ANGELES	CA	90034	310-842-8771	Active
EXCEL PAVING COMPANY (PALP, INC.)	2230 LEMON AVENUE	LONG BEACH	CA	90806-5195	562-599-5841	Active
FIX ALL PLUMBING & ROOTER SERVICE INC	P.O. BOX 901	HERMOSA BEACH	CA	90254	310-835-2000	Active
FUENTES PLUMBING	2718 DIXIE ST	LOS ANGELES	CA	90050	323-974-3173	Active
G. HURTADO CONSTRUCTION INC	15130 REINER CIRCLE	RIVERSIDE	CA	92504	951-776-9903	Active
GALLEGOS GENERAL ENGINEERING CONTRACTOR (RAFAEL GALLEGOS & ARTURO DOMINGUEZ)	3162 N MARYBETH AVE	EL MONTE	CA	91733	626-417-8833	Active
GREENLINE CONSTRUCTION (PATRICK RICHARDSON)	6124 CORBIN AVENUE	TARZANA	CA	91356	805-231-2659	Active
HOFMANN & SON (HAROLD HOFMANN)	4443 W. 161ST ST.	LAWNDALE	CA	90260	310-570-1210	Active

Sewer / Storm Drain Permits

HONEST PLUMBING & ROOTER INC	3103 W. VALHALLA DRIVE	BURBANK	CA	91505	818-840-8842	Active
J F PRIETO ENGINEERING CONSTRUCTION, INC	2026 GLENDALE BLVD	LOS ANGELES	CA	90039	323-666-2396	Active
J&C UNDERGROUND GENERAL ENGINEERING CONTRACTOR	800 S. VICTORY BLVD., SUITE 205	BURBANK	CA	91502	818-526-0006	Active
JERRY TAYLOR CO. (JERRY TAYLOR)	30367 EARLY ROUND DRIVE	CANYON LAKE	CA	92587	951-244-3606	Active
JOHN T. MALLOY, INC	3032 BANDINI BLVD.	LOS ANGELES	CA	90023	323-780-9941	Active
K CONSTRUCTION	4966 TOPANGA CANYON BLVD	WOODLAND HILLS	CA	91364	818-999-9890	Active
KANA PIPELINE, INC.	172 EAST ORANGETHROPE AVE	PLACENTIA	CA	92870	714-966-1400	Active
KARL SCANLAN CO., INC.	33291 BAILEY PARK BLVD.	MENIFEE	CA	92584-9584	951-301-0601	Active
KENNEDY PIPELINE COMPANY	61 ARGONAUT	ALISO VIEJO	CA	92656	949-380-8363	Active
KERRYGOLD PLUMBING, INC.	7108 OWENSMOUTH AVENUE	CANOGA PARK	CA	91303	818-340-2070	Active
KOHLER & SONS	3858 NEWTON ST	TORRANCE	CA	90505	310-375-2725	Active
L & S CONSTRUCTION, INC	574 N. BATAVIA STREET	ORANGE	CA	92868	714-528-3232	Active
L. M. OLSON, INC	11721 ODESSA AVE	GRANADA HILLS	CA	91344	818-368-6813	Active
L.A. BUILDERS INC	15635 SATICOY ST. SUITE H	VAN NUYS	CA	91406	818-781-1818	Active
LARRY BENSON TRENCHING, INC	6529 COMANCHE AVE.	CANOGA PARK	CA	91306	818-882-5290	Active
LEON F CHESSY PLUMBING CONTRACTOR	19215 ARMINTA ST.	RESEDA	CA	91335	818-701-5551	Active
LDNEROCK, INC	26 VISTA FIRENZE	LAGUNA HILLS	CA	92653	949-310-0804	Active
LOS ANGELES ENGINEERING, INC	633 NORTH BARRANCA AVENUE	COVINA	CA	91723	626-454-5222	Active
MARTIN BROTHERS SEWER CONTRACTORS	4757 W. WASHINGTON BLVD.	LOS ANGELES	CA	90016	323-930-1164	Active
MATTUCCI PLUMBING, INC.	14519 S. WESTERN AVE.	GARDENA	CA	90249	310-543-2001	Active
MIDLAND CONTRACTORS, INC	16610 VENTURA BLVD., #5	ENCINO	CA	91436	818-783-3874	Active
MIKE BLANK PLUMBING	13536 VIA SANTA	SYLMAR	CA	91342	818-367-	Active

Sewer - Storm Drain Permits

Page 4 of 6

INC.	CATALINA				4992	
MIKE PRICH & SONS INC.	5103 ELTON STREET	BALDWIN PARK	CA	91706	626-813- 1700	Active
MIMS PLUMBING & ROOTER SERVICE (LESTER MIMS JR.)	10331 BEVIS AVE	MISSION HILLS	CA	91345	818-361- 8618	Active
MIRACLE ROOTER PLUMBING (ROCKET ROOTER INC.)	11435 CHANDLER BLVD	NORTH HOLLYWOOD	CA	91601	888-508- 6878	Active
MIRAMONTES CONSTRUCTION COMPANY, INC.	P.O. BOX 90095	INDUSTRY	CA	91715	626-330- 1043	Active
MR. ROOTER PLUMBING (AKHOIAN ENTERPRISES INC)	8847 LANKERSHIM BLVD.	SUN VALLEY	CA	91352	818-500- 7999	Active
MR. ROOTER PLUMBING (SEBASTIAN WATERWORKS, INC.)	221 W. POMONA BLVD	MONTREY PARK	CA	91754	323-721- 1243	Active
MR. SEWER ROOTER, INC	4518 S. WESTERN AVE	LOS ANGELES	CA	90062	323-295- 1156	Active
MURRAY COMPANY (MURRAY PLUMBING & HEATING CORP.)	2919 E. VICTORIA STREET	RANCHO DOMINQUEZ	CA	90221	310-637- 1500	Active
NARAZCO INC	2517 W. BURBANK BLVD	BURBANK	CA	91505	818-955- 9994	Active
NEW PIPE PLUMBING & ROOTER (STEPHAN ZAMKOCHYAN)	5528 CAHUJENGA BLVD.	NORTH HOLLYWOOD	CA	91605	818-765- 2424	Active
PAN-PACIFIC PLUMBING & MECHANICAL	17911 MITCHELL SOUTH	IRVINE	CA	92614	949-474- 9170	Active
PIPE LINE EQUIPMENT RENTAL (PLER, INC.)	P.O. BOX 891839	TEMECULA	CA	92589	951-894- 7473	Active
PRECISION CONTRACTOR (THOMAS GIBBS JR.)	535 E. AVOCADO CREST ROAD	LA HABRA	CA	90631	562-556- 0008	Active
PRECISION PLUMBING MECHANICAL (JOHN S BASCOM)	5350 GABBERT ROAD	MOORPARK	CA	93021	805-529- 4748	Active
QUALITY JET ROOTER INC.	7752 GREENLEAF AVE.	WHITTIER	CA	90502	562-693- 1573	Active
R S. ONE PLUMBING	724 E. VERDUGO AVE., SUITE A	BURBANK	CA	91501	818-720- 8767	Active
R3 CONTRACTORS	2115 E VIA BURTON STREET	ANAHEIM	CA	92806	714-224- 0430	Active
RAPID PLUMBING INC. (TRIPLE A PLUMBING)	1036 W. TAFT AVE.	ORANGE	CA	92865	714-695- 1840	Active
RED LILLY PLUMBING	2804 GILROY STREET	LOS ANGELES	CA	90039	323-664- 2506	Active
RESCUE ROOTER (AMERICAN RESIDENTIAL	12507 SAN	SYLMAR	CA	91342	818-933-	Active

Sewer / Storm Drain Permits

Page 5 of 6

SERVICES LLC)	FERNANDO ROAD					6680	
RODOLFO LOYA CONTRACTOR INC.	4849 BALDWIN PARK BLVD	BALDIN PARK	CA	91706	626-222- 2300	Active	
RODRIGUEZ BROTHERS ENGINEERING, INC	2023 S. BON VIEW AVE.	ONTARIO	CA	91761	909-923- 2837	Active	
ROOTER MASTER, INC.	12004 VOSE ST.	NORTH HOLLYWOOD	CA	91605	800-380- 0336	Active	
ROTO ROOTER PLUMBERS (RUSSELL WARNER INC.)	24971 AVENUE STANFORD	VALENCIA	CA	91355	661-257- 9200	Active	
SANTA ANA CREEK DEVELOPMENT COMPANY (MARK COMPANY)	2298 N. BATAVIA STREET	ORANGE	CA	92865	714-684- 3462	Active	
SANTEE SEWER SERVICE	240 E. GAGE AVENUE	LOS ANGELES	CA	90003	323-753- 0863	Active	
SELECT TRENCHLESS PIPELINES INC	283 WINFIELD CIRCLE	CORONA	CA	92880	951-736- 0345	Active	
SEQUOIA SEWER (STEVE TOTH)	480 ROYCE ST	ALTADENA	CA	91001	626-794- 5661	Active	
SEWER LINE VIDEO INSPECTION COMPANY, INC.	20058 VENTURA BLVD., #150	WOODLAND HILLS	CA	91364	818-704- 1413	Active	
SHIELDS SEWER CONTRACTING	23014 HUBER AVE	TORRANCE	CA	90501	310-505- 9350	Active	
SILVER STAR CONSTRUCTION MANAGEMENT	1761 NEW YORK DR	ALTADENA	CA	91001	626-789- 7564	Active	
SOUTHWEST PIPELINE AND TRENCHLESS CORP.	539 WEST 140TH ST	GARDENA	CA	90248	310-329- 8717	Active	
SUB ZERO EXCAVATING INC.	67 ERBES ROAD	THOUSAND OAKS	CA	91362	805-494- 5013	Active	
SULLY-MILLER CONTRACTING COMPANY	1100 E. ORANGETHORPE AVE #200	ANAHEIM	CA	92801	714-578- 9600	Active	
SUTTLES PLUMBING MECHANICAL CORP.	9421 WINNETKA AVE, UNIT F	CHATSWORTH	CA	91311	818-718- 9779	Active	
TERRY REAGAN PLUMBING INC	7901 GLADE AVE	CANOGA PARK	CA	91304	818/348- 5009	Active	
TERRY REAGAN PLUMBING, INC.	7901 GLADE AVE.	CANOGA PARK	CA	91304	818-348- 5009	Active	
THE LIGHTHART CORPORATION	3333 GLENDALE BLVD., SUITE 9	LOS ANGELES	CA	90039	323-661- 1565	Active	
TV PLUMBING (TRINIDAD VEYNA)	5951 VENICE BLVD.	LOS ANGELES	CA	90034	310-645- 8622	Active	
U.S.A. CORP. (WILCOX & WILCOX)	21510 ROSCOE BLVD	CANOGA PARK	CA	91304	818-888- 8868	Active	
UNIVERSAL PACIFIC	1906 W. 4TH				714-502-		

Sewer / Storm Drain Permits

Page 6 of 6

PIPELINE CONSTRUCTION CORP	STREET	SANTA ANA	CA	92704	8107	Active
VALVERDE CONSTRUCTION INC	10918 SHOEMAKER AVE.	SANTA FE SPRINGS	CA	90670	562-906- 1826	Active
VAN DIEST BROTHERS, INC.	15315 LAKEWOOD BLVD.	PARAMOUNT	CA	90723	562-633- 2835	Active
VASILY COMPANY, INC.	9843 RANCHO CABALLO DR.	SHADOW HILLS	CA	91040	818-645- 1469	Active
VINKO JARAK CONSTRUCTION COMPANY	308 N EASTERN AVENUE	LOS ANGELES	CA	90022	323-261- 8029	Active
W.A. RASIC CONSTRUCTION CO., INC	7314 SCOUT AVENUE	BELL GARDENS	CA	90201	562-928- 6111	Active
WATSON PLUMBING (THE PICARD FAMILY INC.)	27911 SMYTH DRIVE	VALENCIA	CA	91355	818-785- 2121	Active
WEST VALLEY SANITATION & PLUMBING (DEAN ROSE)	19426 ROSCOE BLVD.	NORTHRIDGE	CA	91324	818-341- 2650	Active
WILLIAMS BROTHERS PLUMBING, INC.	3752 CALLE LINDA VISTA	NEWBURY PARK	CA	91320- 1919	805-499- 9335	Active
YOUNG UNDERGROUND CONSTRUCTION (BRADFORD WILLIAM YOUNG)	8369 JUMILLA AVENUE	WINNETKA	CA	91306	818-399- 6584	Active
ZEDNEM PIPELINE CONSTRUCTION INC	13024 EUCLID AVENUE	CHINO	CA	91710- 6698	909-986- 0800	Active

Attachment "B" - Bureau of Engineering Memo to File Dated June 4, 2010 with responses to
letter of inquiry

MEMORANDUM

DATE: JUNE 4, 2010

TO: BUREAU OF ENGINEERING (BOE) CONTRACT AWARD FILE --
SEPULVEDA BASIN SPORTS COMPLEX PHASE I

FROM: CATHIE SANTO DOMINGO, Project Manager

SUBJECT: SEPULVEDA BASIN SPORTS COMPLEX PHASE I – RESPONSES TO
INQUIRY LETTER FROM WESTERN GROUP INC.

Western Group Inc., submitted a written inquiry to BOE dated February 24, 2010 (Attachment "A"), regarding their concerns about the bid submitted by C.S. Legacy Construction, Inc. Although Western Group's communication was an inquiry and not a formal bid protest, the following are BOE's responses to the issues raised by Western Group regarding C.S. Legacy's bid. It should be noted that the determination of who is the lowest responsive and responsible bidder is made based on information provided in the bid regarding only the Base Bid work, without regard to the additive alternates.

1. Did not provide a complete breakdown nor the dollar amount of the work C.S. Legacy will self-perform:

Listing a complete breakdown of work to be self-performed by the prime contractor is not a mandatory requirement of the bid package. Schedule A (page 16) of the bid specifies that the prime contractor must self-perform at least 20% of the Base Bid work. To help staff determine the amount to be self-performed, the bidder is requested to provide a description of the work and the dollar amount of the Base Bid that it will self-perform.

Schedule A also requires that the prime contractor list all subcontractors that will do work on the Base Bid work valued in excess of one-half of one percent of the Base Bid or \$10,000, whichever is greater. (City of Los Angeles Administrative Code Section 10.14). Administrative Code Section 10.14 does not require that suppliers be listed. However, suppliers may be listed if the prime contractor wants to have suppliers considered toward calculating the percentage of MBE/WBE participation. It is presumed that the prime contractor will self-perform any work on the Base Bid that is not identified as being performed by a subcontractor.

Even if the bid does not contain a complete breakdown of the work and dollar amount to be self-performed, the amount of work on the Base Bid that the prime contractor will self-perform can be determined by adding up all the subcontractor work for the Base Bid and deducting that amount from the total Base Bid price. The amount remaining is presumed to be what the prime contractor will self-perform. Using that method, C.S. Legacy, Inc., would be performing 61.4% of the Base Bid work.

\$3,365,498.00	Base Bid amount
<u>- 1,300,701.00</u>	Base Bid work to be performed by listed subcontractors
\$2,064,797.00	Amount prime contractor will self-perform (61.4% of Base Bid)

2. Did not list a bonded qualified subcontractor to perform the sewer work:

The bid solicitation documents, including the plans and specifications did not require that the sewer subcontractor be bonded at the time the bid is submitted.

3. Did not provide a base bid for the plumbing portion of the work:

The plumbing work is part of Additive Alternate #1 (restroom and electrical building). Determining the lowest responsive and responsible bidder is to be based solely on the Base Bid without regard to any of the additive alternates.

4. Did not list a subcontractor for structural steel:

There is no structural steel involved in the Base Bid. Structural steel is involved in Additive Alternate # 1 and # 4. Structural steel is a supply and suppliers are not required to be listed on Schedule "A" (see paragraph #1 above). Determining the lowest responsive and responsible bidder is to be based solely on the Base Bid without regard to any of the additive alternates.

5. Listed an amount for the electrical portion of the project that is below the cost of the materials and thus raises concerns if C.S. Legacy's base bid amount is sufficient to complete the base bid:

It is the bidder's responsibility to submit a bid in the amount that will enable the contractor to do the work that it will be obligated to complete under the construction contract. If the contractor fails to execute the construction contract, it will forfeit its bid bond. If executed, the construction contract contains remedies in the event that the contractor fails to perform under the construction contract.

6. Failed to list any Minority Owned Business Enterprise (MBE), Women Owned Business Enterprise (WBE) or Small Business Enterprise (SBE) subcontractors:

The Department of Recreation and Parks Minority Owned Business Enterprise (MBE), Women Owned Business Enterprise (WBE) and Other Business Enterprise (OBE) Subcontractor Outreach Program requires that the prime bidder make a good faith effort (GFE) to reach out to MBEs, WBEs and OBEs to participate as subcontractors or suppliers for the project. The Program does not mandate that there be a certain amount of participation by MBE, WBE, or OBE subcontractors. The bidder must achieve 75 points out of a total possible 100 points on various indicators of good faith outreach efforts. C.S. Legacy achieved 77 points and thus met the GFE requirements, even though the outreach effort did not result in MBE/WBE/OBE subcontractors or suppliers actually participating in the project.

Attachment "C" - Bid Protest dated June 10, 2010 filed by David Polinsky, Harrig & Vogt,
LLP
on behalf of Western Group Inc.

HERRIG & VOGT, LLP
Attorneys at Law

LOS ANGELES OFFICE:

5567 Reseda Boulevard, Suite 105
Tarzana, CA 91357-2674
(818) 380-3070
(818) 380-3068 FAX
www.herrigvogt.com

California Offices:
4210 Douglas Boulevard, Ste. 100
Granite Bny, CA 95746-5902
(916) 960-1000
(916) 960-1005 FAX

1212 Marsh Street, Suite 3
San Luis Obispo, CA 93401-3346
(805) 542-9088
(805) 542-9081 FAX

Washington Offices:
1030 N. Center Parkway, Ste. 201
Kennewick, WA 99336-7160
(509) 943-6691
(509) 735-6470 FAX

7981 – 168th Avenue, N.E.
Redmond, WA 98052-0911
(425) 881-3129
(425) 556-0595 FAX

JOHN R. HERRIG¹
GEORGE F. VOGT, JR.²
MARCUS L. TURNER²

LACEY A. YOUNG³
FRANK F. ALI²
RYAN P. MOORE⁴
GINA L. MOYLES²
BRIAN P. MCGINLEY²

OF COUNSEL
DAVID POLINSKY²

¹ADMITTED IN CA, WA & AK
²ADMITTED IN CA
³ADMITTED IN WA
⁴ADMITTED IN CA & MA

June 10, 2010

Board of Recreation and Parks Commission
221 N. Figueroa St., Suite #1510
Los Angeles, CA 90012

Attention: Commission Executive Assistant, Mary Alvarez

Re: Sepulveda Basin Sports Complex
Project No. E170217F
Bid Protest by Western Group, Inc.

Dear Ms. Alvarez

This firm represents Western Group, Inc. (“Western”) with regard to awarding the above referenced public works construction project to C.S. Legacy (“CSL”). This letter and its attachments hereto constitute a formal bid protest and request by Western to be heard at any public hearing where a determination to award is at issue. Specifically, CSL failed to list a structural steel subcontractor to perform the structural steel fabrication and installation work specified in several of the Additive Alternatives put out to bid by the Board. Neither is CSL licensed or qualified to self-perform that work. Accordingly, because CSL’s bid is both non-responsive and non-responsible, the Contract should be awarded to the next lowest responsive and responsible bidder, Western.

1. RELEVANT BACKGROUND

The scope of work encompassed by the Base Bid for the Sepulveda Basin Sports Complex Project No. E170217F (the “Project”) pertained to construction of a new sports complex, involving site grading, drainage, utilities, a synthetic turf soccer field, parking lot area, and lighting. In addition, several “Additive Alternate” scopes of work were identified, including a restroom building, an office building, some softball fields, and another parking area.

Bids were opened for the Project on February 16, 2010. CSL was low bidder at \$3.3 million and Western was the second lowest bidder at \$3.997 million¹.

¹ Copy of Western’s Bid Proposal is attached hereto as Exhibit 1.

BOARD OF RECREATION
AND PARK COMMISSIONERS
2010 JUN 11 AM 9:03

On February 24, 2010, Western submitted a letter of “concern” identifying several defects in the CSL bid.² Western is an interested party because if this protest is sustained, and if the Board is thereby required to re-award the contract based on the bids submitted, Western will be deemed the lowest responsible and responsive bidder and should therefore be awarded the contract.

As described in detail below, Western formally protests this action of awarding the contract to CSL because CSL has failed to comply with all requirements necessary to completing all requisite bid forms, thereby rendering its bid both non-responsive and non-responsible.

2. GENERAL LEGAL AUTHORITY

A bid is responsive if it promises to do what the bidding instructions demand. (*Taylor Bus Service, Inc. v. San Diego Bd. of Education*, 195 Cal. App.3d 1331 (Cal. Ct. App. 1987) Whether a bid is responsive can usually be determined from the face of the bid without outside investigation or information. (*MCM Construction, Inc. v. City and County of San Francisco*, 66 Cal.App.4th 359 (Cal. Ct. App. 1998).)

Although the Board has reserved its rights to waive any irregularity in the bids, any variance cannot have affected the amount of the bid or given a bidder an advantage or benefit not allowed other bidders or, in other words, if the variance is inconsequential. (*MCM Construction, Inc. v. City and County of San Francisco*, 66 Cal.App.4th 359 (Cal. Ct. App. 1998).)

Because of the potential for abuse arising from deviations from strict adherence to standards which promote public benefits, the letting of public contracts universally receives close judicial scrutiny and contracts awarded without strict compliance with bidding requirements will be set aside. (*MCM Construction, Inc. v. City and County of San Francisco*, 66 Cal.App.4th 359 (Cal. Ct. App. 1998).)

3. ISSUES OF NON-RESPONSIVENESS AND NON-RESPONSIBILITY

a. Structural Steel Work Is Required For The Scopes of Work Encompassed Under Additive Alternates 1, 4 and 6.

Section 05120, regarding Structural Steel, states in relevant part as follows:

“1.1 DESCRIPTION:

A. Work Included: All labor, tools, materials and equipment necessary to provided (sic) and install structural steel as shown and noted on the Contract Drawings and hereinafter specified and needed for a complete and proper installation ...”

² Copy of Western’s February 24, 2010 letter is attached hereto as Exhibit 2.

The scope of work for which bidders were required to submit responsive, responsible bids, and for which structural steel fabrication and installation were required, included the following items:

- Additive Alternate 1 involved the construction of a 726 sq. ft. restroom.
- Additive Alternate 4 involved the construction of a 726 sq. ft. staff office.
- Additive Alternate 6 involved the construction of a softball field and storage building.

Western listed Golden Iron as its structural steel subcontractor, which would perform this work, at a bid value of \$128,200³.

b. CSL Failed To List A Structural Steel Subcontractor

Los Angeles Administrative Code, Chapter 1 of Division 10, Section 10.14 states in relevant part as follows:

“...every person making a bid or offering to perform the work shall state therein:

- (a) The name, address and contractor’s license number of each subcontractor who will perform the work or labor or render service to the bidder in or about the construction of the work or improvement in an amount in excess of one-half of one percent (½%) of the prime contractor’s total; bid or \$10,000.00, whichever is greater.
- (b) That portion of the work, which will be done by each subcontractor.

As is evident from a review of Schedule A of CSL’s bid⁴, CSL failed to list a subcontractor to perform the structural steel fabrication and installation work required by the Plans and Specifications. As noted above, the estimate by Western for the structural steel fabrication and installation scope of work for the Additive Alternate Bid was \$128,200. This amount exceeds the \$10,000 and/or ½% threshold, which would require a prime contractor to list the subcontractor performing the work.

c. CSL Is Not Licensed/Qualified To Self-Perform The Structural Steel Scope of Work.

Los Angeles Administrative Code, Chapter 1 of Division 10, Section 10.14 also states in relevant part as follows:

³ Schedule A of the Western bid is attached hereto as Exhibit 3.

⁴ Schedule A of the CSL bid is attached hereto as Exhibit 4.

“The prime contractor shall list only the subcontractor for each portion as is defined by the prime contractor in its bid. Failure of the prime contractor to specify a subcontractor for any portion of the work shall constitute agreement by said contractor that it is fully qualified to perform that work and shall perform with its own forces.”

Section 05120, regarding Structural Steel, states in relevant part as follows:

“D. Qualifications:

1. Fabricator: Company specializing in the fabrication of the work of the Section shall have a minimum 5-year documented experience. Fabricator shall be a licensed fabricator by Los Angeles City, Department of Building and /Safety.

2. Erector: Company specializing in the installation of the work of this section shall have a minimum 5-year documented experience.”

As required by Section 10.14 referenced above, failure to list a subcontractor constitutes an affirmation by CSL that it will self perform the structural steel work; however, CSL is neither a licensed nor approved structural steel fabricator or erector. As such it is unqualified to perform this work.

d. Non-Responsive and Non-Responsible

In that CSL failed to list a qualified subcontractor to perform the Structural Steel scope of work for the Additive Alternative portion of the bid, its bid is non-responsive. However, to the extent that CSL intended to perform that work itself, it is not licensed/qualified to do so, thereby rendering its bid non-responsible.

Western acknowledges that the structural steel scope of work relates to the Additive Alternates, as opposed to the Base Bid scope of work. Western also acknowledges that the Instructions to the Bidders specifically noted that:

“The determination of the lowest bidder will be made on the basis of the Base Bid amount without the consideration of any Additive Alternate. Department of Recreation and Parks and the Bureau of Engineering will provide the final recommendation of Additive Alternates to be awarded, if any, based on the availability of project funds.”

The use of alternates is generally allowed in Public Bidding as long as the public entity has a procedure in place to utilize such bidding procedures. For purposes of this protest, Western assumes the legality of the Board's use of alternate bids. Nonetheless, since the Board has the power to award any and all alternates, the bidders alternate bids must be both responsible and responsive. As identified above, CSL's bid is neither responsive nor responsible as to the structural steel portion of the bids for Additive Alternates 1 and 4.

In the case *R&A Vending Services v. City of Los Angeles*, (1985) 172 Cal. App. 3d 1188, 1193, the City argued that under its Charter and Code, it had discretion to determine the lowest and best bidder through the use of alternative bidding and the court could not interfere with its determination of the lowest bidder unless there was fraud. In other words, the City's position was that appellant had to show fraud in order to challenge the City's use of the alternative bid procedure. However, in *R & A*, the City had determined the losing bidder was not responsible, not that it was the not the lowest bidder. Accordingly, the Court's have acknowledged that in assessing the bids of contractors for alternate work scopes, the bidder must be responsive and responsible.

In short, if a contractor does not list a subcontractor at time of bid for a portion of the work, it must self-perform that work. The contractor must be qualified to do the work he is self-performing. Here, CSL is not a licensed or approved steel fabricator or erector. Thus, it cannot legally perform the Additive Alternate work, and the Board cannot adjust the award, after bid, to bring the non-compliant bid into compliance by just ignoring the Additive Alternates. Even though the "amount" of the Additive Alternate Bids is not to be considered in determining the lowest bidder, the ability of the bidder to actually perform the work must be considered by the Board.

At a minimum, even if the Board chooses to view the bid defects as a "waivable informality" as to the base bid, such a defect is not waivable as to the Additive Alternate scope of work. Accordingly, as to Alternates 1, 4 and 6, an award cannot be made to CSL due to its non-responsive and non-responsible status.

4. CONCLUDING REMARKS

A review of the bid submitted by Western reveals that it complied with each of the requirements specified in the Instructions to bidders, as a result of a process that was both time consuming and costly. CSL realized a savings or windfall by failing to comply with the bid requirements, thus resulting in an unfair advantage.

As noted above, although the Board has reserved its rights to waive any irregularity in the bids, any variance cannot have affected the amount of the bid **or given a bidder an advantage or benefit not allowed other bidders**. On the face of the bid documents, the mere fact that CSL may be given a subsequent opportunity to list structural steel subcontractor to cure its own inability to perform, is an unfair advantage over all other bidders who incur substantial costs in

complying with the technical requirements prior to bid. This irregularity is not inconsequential and should not be waived. Accordingly, because CSL's bid is both non-responsive and non-responsible, the Contract should be awarded to the next lowest responsive and responsible bidder, Western.

Please contact the undersigned if you need any additional information. In the alternative, Western requests a hearing be scheduled as soon as possible to redress this matter. If a hearing is scheduled please provide said time and date.

Thank you in advance for your prompt attention and anticipated cooperation in this matter.

Very truly yours,

HERRIG & VOGT, LLP

David Polinsky

Encl.

cc: S. Shabo
J. Herrig

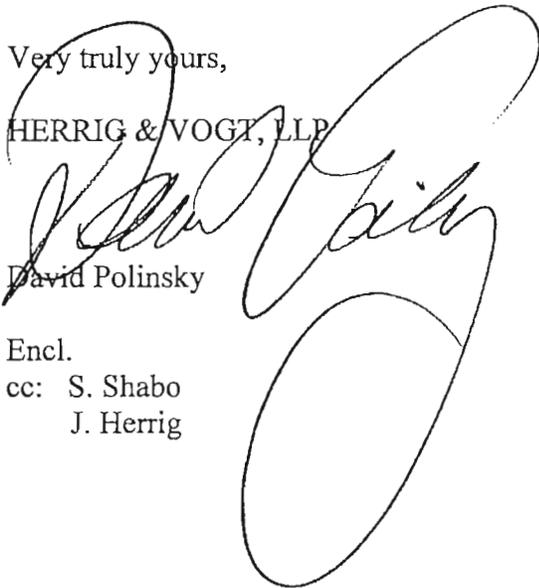
A large, stylized handwritten signature in black ink, appearing to read 'David Polinsky', is written over the typed name and extends upwards into the 'Very truly yours,' line. The signature is fluid and cursive, with a large loop at the end.

EXHIBIT 1

Copy

PROPOSAL - SCHEDULE OF WORK AND PRICES
 BIDDERS WILL NOT BE RELEASED ON ACCOUNT OF ERRORS

Los Angeles, CA 2-16 2010

TO THE BOARD OF RECREATION AND PARK COMMISSIONERS OF THE CITY OF LOS ANGELES:

The undersigned, having carefully examined the plans, read the accompanying Instructions to Bidders, and the Specifications for **SEPULVEDA BASIN SPORTS COMPLEX PHASE I (W.O. #E170217F)** in and for the City of Los Angeles, and having personally visited the site of the work and made him/herself familiar with the conditions hereby proposes to furnish all materials and do all the work required to complete the said work in accordance with the said plans, if any, and specifications, for the unit prices and/or lump sums named in the following schedule:

SCHEDULE OF WORK AND PRICES

NOTE: BIDS MUST BE IN INK OR TYPEWRITTEN. NO BIDS IN PENCIL WILL BE CONSIDERED. LUMP SUM SHALL BE INCLUSIVE OF SALES TAX

ITEMS	PRICES IN FIGURES	
	Dollars	Cents
Base Bid: The plans provide for the construction of a new sports complex. The following is a general list of improvements. 1. Preparation of the complete site rough and finish grading, as specified on the plans; 2. Installation of site drainage, as specified on the plans; 3. Installation of all site utilities including sewer line, water, and electrical connection, as specified on the plans; 4. Construction of the premier synthetic turf soccer field including player benches, bleachers, field lighting and perimeter fence, as specified on the plans; 5. Construction of the easterly portion of the parking lot including asphalt concrete pavement, striping, curb and gutter, bio-swales, landscape and irrigation, as specified on the plans; 6. Construction of surrounding landscape, irrigation, bike path, picnic areas, and other site amenities, as specified on the plans; 7. Installation of security and bike path lighting, as specified on the plans; and 8. Construction of parking lot entry including driveways and all necessary improvements, as specified on the plans.	\$	3,997,000 ⁰⁰
Additive Alternate No. 1 - Construction of a new one-story 726 square foot masonry restroom and electrical building including plaza curb walls, plaza curb seats, plaza seats, building electrical and lighting, beacon lights on pole roof supports, and adjacent landscape and irrigation, as specified on the plans.....	\$	849,000 ⁰⁰
Additive Alternate No. 2 - Construction of the northeast premier softball field including backstops, player benches, bleachers, field lighting, scoreboard, flag pole, landscape, irrigation and fence, as specified on the plans.....	\$	745,000 ⁰⁰
Additive Alternate No. 3 - Construction of the northwest softball field including backstops, player benches, bleachers, field lighting, scoreboard, landscape and irrigation, as specified on the plans.....	\$	693,000 ⁰⁰

(continued on next page)

Additive Alternate No. 4 - Construction of a new one story 726 square foot masonry building for use as staff office and meeting room including plaza curb walls, plaza curb seats, plaza tables, plaza seats, building electrical and lighting, beacon lights on pole roof supports, and adjacent landscape and irrigation, as specified on the plans.....	750,000 \$	
Additive Alternate No. 5 - Construction of the westerly portion of the parking lot including asphalt concrete pavement and striping, curb and gutter, bio-swales, landscape, irrigation, and security and walkway lighting, as specified on the plans.....	680,000 \$	
Additive Alternate No. 6 - Construction of the southeast softball field including backstops, player benches, bleachers, field lighting, scoreboard, water fountain structure, electrical and plumbing, landscape and irrigation along Balboa Boulevard, as specified on the plans.....	877,000 \$	
<p>The determination of the lowest bidder will be made on the basis of the Base Bid amount without the consideration of any Additive Alternate. Department of Recreation and Parks and the Bureau of Engineering will provide the final recommendation of Additive Alternates to be awarded if any, based on the availability of project funds.</p> <p>The Department reserves the right to use additive alternates within 90 days after execution of the contract in the same amount as indicated in this proposal.</p> <p>All work done and materials furnished shall be in conformity with the Plans and Specifications for the work adopted by the Board of Recreation and Park Commissioners at its meeting of: November 4, 2009.</p>		

EXHIBIT 2

Western Group Inc.

General Engineering * General Construction * Electrical * License # 802113
21777 Ventura Blvd., Suite 224 Woodland Hills, CA 91369
Tel: (818) 884-5105 Fax: (818) 884-4620 Email: westerngroupinc@aol.com

February 24, 2010

Kathy Santo Domingo
221 N. Figueroa St Suite 1510
Los Angeles Ca 90012

RE: Sepulveda Basin Sports Complex
Project No. E170217F

“Issues of Concern Regarding Base Bid Submitted by C.S. Legacy “

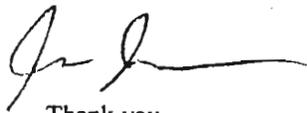
We here at Western Group Inc. would like to bring to you attention some concerning issues in regards to C.S. Legacy Construction Inc. base bid submitted for the Sepulveda Basin Sports Complex Project No. E170217F on February 16th, 2010.

The base bid submitted lacks significant dollar value and subcontractor information necessary to complete the project. On page 16 of the bid documents submitted C.S. Legacy Construction Inc. failed to completely describe their breakdown of work to be self performed in the Description of work, if you note in the list of subcontractors listed by C.S. Legacy, they did not list a bonded qualified subcontractor to perform the sewer connection on the street, with a value of approx \$200,000.00, (Please see attached sheets of approved and bonded sewer subcontractors) and also wrote the letters TBD in the dollar value to be performed by Prime Bidder.

Also please note that on sheet 16 C.S. Legacy Construction Inc. failed to list a price for the base bid of the plumbing portion of work which is required per the base bid documents, note C.S Legacy only listed a alt price in the amount of \$47,800.00 for the plumbing work. Furthermore C.S. Legacy also failed to list a structural steel subcontractor to perform the Structural Steel scope of work for the project.

We would also like to bring to your attention the base bid dollar value listed by C.S. Legacy in the amount of \$248,000.00, for the electrical portion of the project, this value is below the cost of the material, and raises a concern if C.S. Legacy Construction Inc. has the significant dollar value to complete the project in the Base Bid.

In closing I would like to bring to your attention that C.S. Legacy Construction Inc. failed to list any MBE, SBE, or WBE subcontractors, and all though it is not required to list MBE, SBE, or WBE subcontractors, there are concerns if C.S. Legacy performed the Good Faith Effort. Please note that per our schedule B submitted we at Western Group Inc listed subcontractors that fall under this category.



Thank you,

WESTERN GROUP INC.
Sion Shabo

EXHIBIT 3

SCHEDULE 'A'
SUBCONTRACTORS AND SUPPLIERS

The Prime Contractor shall perform, with its own organization, Contract work amounting to at least 20 percent of the Base Bid Price, unless otherwise instructed.

PROJECT TITLE <u>Sepulveda Basin Sports Complex Phase 1</u>		PROJECT No. <u>W.O.#E170217F</u>		NAME OF PERSON COMPLETING THIS FORM <u>Gregg Stumpf</u>	
BIDDER (NAME OF FIRM) <u>C.S. Legacy Construction, Inc.</u>		ADDRESS / CITY / STATE / ZIP CODE <u>13263 Yorba Ave. Chino, Ca 91710</u>			
CONTRACTOR'S LICENSE NO. <u>8210870</u>	LICENSE CATEGORIES <u>A, B, C-27</u>	EXPIRATION DATE <u>10/31/11</u>	YEARS IN BUSINESS <u>4</u>	TELEPHONE No. <u>909-590-2026</u>	
			FAX No. <u>909-590-4117</u>		
Type of Ownership: <input type="checkbox"/> Sole Ownership <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Joint Venture			Is Bidder an MBE or WBE as defined in the MBE/WBE & Other Business Outreach Program? <u>MINORITY</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <u>WOMEN</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		

DOLLAR PARTICIPATION OF ALL SUBCONTRACTORS AND SUPPLIERS

All subcontractors and suppliers who will do work on this project valued in excess of one-half of one percent or \$10,000.00 whichever is greater, must be listed, regardless if they are MBE/WBE or not. (Per Ordinance No. 150,595, Section 10.14 "Provisions Pertaining to Listing of Subcontractors Page 17).

DESCRIPTION OF BASE BID WORK TO BE PROVIDED DIRECTLY BY <u>PRIME BIDDER</u> : <u>Concrete</u>	DOLLAR VALUE OF BASE BID TO BE PERFORMED BY <u>PRIME BIDDER</u> : <u>\$ TBD</u>
--	--

SUBCONTRACTORS OR SUPPLIERS NAME, ADDRESS, TELEPHONE NO.	SUB	SUPPLIER	CONTRACTOR LICENSE NO.	DESCRIPTION OF WORK OR SUPPLIES TO BE PROVIDED (*if supplying or subcontracting for add/deduct alternate items, please note herein)	MBE	WBE	DBE	DOLLAR VALUE OF SUBCONTRACT OR SUPPLIES (*note if add/deduct item)
<u>RC Scheu Plumbing</u> <u>11923 Del Mar Ave</u> <u>Chino, CA 91710 909-528-7593</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>506842</u>	<u>Plumbing-Add. Alt. #1</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	Base: \$ Add's: \$ <u>47,800.⁰⁰</u> Ded's: \$
<u>Shaw Port G&E</u> <u>1801 Roberts Drive Ste 220</u> <u>Kennesaw GA 30144</u> <u>770-495-1159</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>845484</u>	<u>Synthetic turf-</u> <u>Base Bid</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	Base: \$ <u>511,094.⁰⁰</u> Add's: \$ Ded's: \$
<u>Fence Corp</u> <u>982 N. Main St.</u> <u>Liverside, CA 92501</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>886544</u>	<u>Fencing</u> <u>Base Bid</u> <u>Add. Alt. #2, 3, 4, 6</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	Base: \$ <u>164,347.⁰⁰</u> Add's: \$ <u>148,000.⁰⁰</u> Ded's: \$

CONTINUED ON NEXT PAGE 951-686-3170

PERCENTAGE OF MBE/WBE PARTICIPATION

Total combined dollar value of MBE/WBE subcontractors and suppliers portions of work. Do not include prime bidder's portion unless it is a Joint Venture, in which case the value of work to be performed by one of the Joint Venture's who is an MBE or a WBE may be included.

TOTAL MBE'S AMOUNT: \$ _____ = _____ %

BASE BID AMOUNT: _____

TOTAL WBE'S AMOUNT: \$ _____ = _____ %

BASE BID AMOUNT: _____

Signature of Person Completing Form

Gregg Stumpf - President 2/1/10
Title Date

SCHEDULE "A" (Continued)
SUBCONTRACTORS AND SUPPLIERS

SUBCONTRACTORS OR SUPPLIERS NAME, ADDRESS, TELEPHONE NO.	SUB	SUPPLIER	CONTRACTOR LICENSE NO.	DESCRIPTION OF WORK OR SUPPLIES TO BE PROVIDED (*if supplying or subcontracting for add/deduct alternate items, please note herein)	MBE	WBE	OBE	DOLLAR VALUE OF SUBCONTRACT OR SUPPLIES (*note if add/deduct item)
AdKen Engineer 6822 Airport Dr Riverside CA 92504 951-688-8244	<input checked="" type="checkbox"/>	<input type="checkbox"/>	LS5390	Survey Base Bid ADD Alt's #1, 2, 3, 4, 5, 6	NA	NA	NA	Base: \$15,760. ⁰³ Add's: \$19,660. ⁰³ Ded's: \$
Haidbank Asphalt 1548 Maple St. Corona CA 92880 951-273-0111	<input checked="" type="checkbox"/>	<input type="checkbox"/>	517707	AC Paving Base Bid ADD Alt. #5	NA	NA	NA	Base: \$211,600. ⁰³ Add's: \$123,756. ⁴⁵ Ded's: \$
JF Bruce 10173 Saddle Hill Alta Loma CA 91731 909-634-8447	<input checked="" type="checkbox"/>	<input type="checkbox"/>	902979	Storm Drain Base Bid	NA	NA	NA	Base: \$150,000. ⁰³ Add's: \$ Ded's: \$
Essential Light 22286 Calumath Mission Viejo CA 949-272-4067	<input checked="" type="checkbox"/>	<input type="checkbox"/>	900754	Electrical Base Bid ADD Alt. #1, 2, 3, 4, 5, 6	NA	NA	NA	Base: \$248,500. ⁰³ Add's: \$481,720. ⁰⁴ Ded's: \$
	<input type="checkbox"/>	<input type="checkbox"/>						Base: \$ Add's: \$ Ded's: \$
	<input type="checkbox"/>	<input type="checkbox"/>						Base: \$ Add's: \$ Ded's: \$
	<input type="checkbox"/>	<input type="checkbox"/>						Base: \$ Add's: \$ Ded's: \$
	<input type="checkbox"/>	<input type="checkbox"/>						Base: \$ Add's: \$ Ded's: \$
	<input type="checkbox"/>	<input type="checkbox"/>						Base: \$ Add's: \$ Ded's: \$
	<input type="checkbox"/>	<input type="checkbox"/>						Base: \$ Add's: \$ Ded's: \$

EXHIBIT 4

**SCHEDULE "A"
SUBCONTRACTORS AND SUPPLIERS**

The Prime Contractor shall perform, with its own organization, Contract work amounting to at least 20 percent of the Base Bid Price, unless otherwise instructed.

PROJECT TITLE <i>Sepulveda Basin Sports Complex</i>		PROJECT No. <i>E17D217F</i>	NAME OF PERSON COMPLETING THIS FORM <i>Stan Shabo</i>	
BIDDER (NAME OF FIRM) <i>Western Group Inc</i>		ADDRESS / CITY / STATE / ZIP CODE <i>21777 Ventura Blvd. #224, Woodland Hills, CA 91364</i>		
CONTRACTOR'S LICENSE NO. <i>802113</i>	LICENSE CATEGORIES <i>A, B, C, D</i>	EXPIRATION DATE <i>12/31/11</i>	YEARS IN BUSINESS <i>9</i>	TELEPHONE No. <i>818-384-5105</i> FAX No. <i>818-384-4620</i>
Type of Ownership: <input type="checkbox"/> Sole Ownership <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Joint Venture		Is Bidder an MBE or WBE as defined in the MBE/WBE & Other Business Outreach Program? MINORITY Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> WOMEN Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		

DOLLAR PARTICIPATION OF ALL SUBCONTRACTORS AND SUPPLIERS

All subcontractors and suppliers who will do work on this project valued in excess of one-half of one percent or \$10,000.00 whichever is greater, must be listed, regardless if they are MBE/WBE or not. (Per Ordinance No. 150,595, Section 10.14 "Provisions Pertaining to Listing of Subcontractors Page 17").

DESCRIPTION OF BASE BID WORK TO BE PROVIDED DIRECTLY BY PRIME BIDDER:	DOLLAR VALUE OF BASE BID TO BE PERFORMED BY PRIME BIDDER:

SUBCONTRACTORS OR SUPPLIERS NAME, ADDRESS, TELEPHONE NO.	SUB	SUPPLIER	CONTRACTOR LICENSE NO.	DESCRIPTION OF WORK OR SUPPLIES TO BE PROVIDED (if supplying or subcontracting for add/deduct alternate items, please note herein)	MBE	WBE	DBE	DOLLAR VALUE OF SUBCONTRACT OR SUPPLIES (note if add/deduct item)
<i>MERITAN DEN</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>825335</i>	<i>Demo/Grading</i>				Base: \$ <i>375,000</i> Add's: \$ _____ Ded's: \$ _____
<i>Pdy Turf</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>88103</i>	<i>Syn. Turf</i>				Base: \$ <i>460,360</i> Add's: \$ _____ Ded's: \$ _____
<i>Paul + Ruben Fence</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>341514</i>	<i>Fencing</i>				Base: \$ <i>127,650</i> Add's: \$ <i>262,100</i> Ded's: \$ _____

CONTINUED ON NEXT PAGE

PERCENTAGE OF MBE/WBE PARTICIPATION

Total combined dollar value of MBE/WBE subcontractors and suppliers portions of work. Do not include prime bidder's portion unless it is a Joint Venture, in which case the value of work to be performed by one of the Joint Venturer's who is an MBE or a WBE may be included.

TOTAL MBE'S AMOUNT: \$ *78,300* = *2* % *Stan Shabo*

Signature of Person Completing Form

BASE BID AMOUNT: *3,997,000*

TOTAL WBE'S AMOUNT: \$ *0* = _____ % *President*

Title Date

BASE BID AMOUNT: *3,997,000*

SCHEDULE "A" (Continued)
SUBCONTRACTORS AND SUPPLIERS

SUBCONTRACTORS OR SUPPLIERS NAME, ADDRESS, TELEPHONE NO.	SUB	SUPPLIER	CONTRACTOR LICENSE NO.	DESCRIPTION OF WORK OR SUPPLIES TO BE PROVIDED (*If supplying or subcontracting for add/deduct alternate items, please note herein)	MBE	VBE	DBE	DOLLAR VALUE OF SUBCONTRACT OR SUPPLIES (*note if add/deduct item)
<i>ML</i> Crestline	<input checked="" type="checkbox"/>	<input type="checkbox"/>	209850	Struct Steel				Base: \$55,700 Add's: \$10,300 Ded's: \$
W. Paving	<input checked="" type="checkbox"/>	<input type="checkbox"/>	6741093	AC Paving				Base: \$220,460 Add's: \$122,200 Ded's: \$
Barbero Glazing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	863891	Glazing/Windows			✓	Base: \$ N/A Add's: \$78,300 Ded's: \$
ALR Const.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	695620	Sewer				Base: \$160,761 Add's: \$ Ded's: \$
Opaman Concrete	<input checked="" type="checkbox"/>	<input type="checkbox"/>	741489	Concrete				Base: \$549,200 Add's: \$195,023 Ded's: \$
United	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8341053	Landscaping/Irrigation				Base: \$567,530 Add's: \$304,532 Ded's: \$
Solan Plumbing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	444325	Plumbing				Base: \$15,000 Add's: \$70,000 Ded's: \$
Golder Tizon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	830594	Struct. Steel				Base: \$19,500 Add's: \$128,200 Ded's: \$
	<input type="checkbox"/>	<input type="checkbox"/>						Base: \$ Add's: \$ Ded's: \$
	<input type="checkbox"/>	<input type="checkbox"/>						Base: \$ Add's: \$ Ded's: \$

**SCHEDULE "A" (Continued)
SUBCONTRACTORS AND SUPPLIERS**

SUBCONTRACTORS OR SUPPLIERS NAME, ADDRESS, TELEPHONE NO.	SUB	SUPPLIER	CONTRACTOR LICENSE NO.	DESCRIPTION OF WORK OR SUPPLIES TO BE PROVIDED (*If supplying or subcontracting for add/deduct alternate items, please note herein)	MBE	WBE	OBE	DOLLAR VALUE OF SUBCONTRACT OR SUPPLIES (*note if add/deduct item)
Sports Field Sports Delhi, NY 408 728 0482	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		Sports Equipment				Base: \$ 17,800 Add's: \$ _____ Ded's: \$ _____
A Turf Williamsville, NY 888 711 6910	<input checked="" type="checkbox"/>	<input type="checkbox"/>	883057	Artificial Turf				Base: \$ 314,813 Add's: \$ _____ Ded's: \$ _____
	<input type="checkbox"/>	<input type="checkbox"/>						Base: \$ _____ Add's: \$ _____ Ded's: \$ _____
	<input type="checkbox"/>	<input type="checkbox"/>						Base: \$ _____ Add's: \$ _____ Ded's: \$ _____
	<input type="checkbox"/>	<input type="checkbox"/>						Base: \$ _____ Add's: \$ _____ Ded's: \$ _____
	<input type="checkbox"/>	<input type="checkbox"/>						Base: \$ _____ Add's: \$ _____ Ded's: \$ _____
	<input type="checkbox"/>	<input type="checkbox"/>						Base: \$ _____ Add's: \$ _____ Ded's: \$ _____
	<input type="checkbox"/>	<input type="checkbox"/>						Base: \$ _____ Add's: \$ _____ Ded's: \$ _____
	<input type="checkbox"/>	<input type="checkbox"/>						Base: \$ _____ Add's: \$ _____ Ded's: \$ _____
	<input type="checkbox"/>	<input type="checkbox"/>						Base: \$ _____ Add's: \$ _____ Ded's: \$ _____
	<input type="checkbox"/>	<input type="checkbox"/>						Base: \$ _____ Add's: \$ _____ Ded's: \$ _____

EXHIBIT 5

No. 4103 rev1

BID PROPOSAL/ CONTRACT

**GOLDEN IRON Inc.**

14211 BESSEMER ST., VAN NUYS, CA 91401

TEL: (818) 787-0481 FAX (818) 787-0441

CSLB #830594 & LA Fab License #1868

GATES * FENCE * RAILINGS * STAIRS * STRUCTURAL STEEL

Date	February 16, 2010	TEL	FAX
GC/ Owner	General Contractor	Attention	Estimator

GOLDEN IRON INC., hereby propose to furnish labor and materials as listed below, according to the plans and specification exhibited to us, subject to the latest Code of Standard Practices of the American Institute of Steel Construction (AISC); American Welding Society (AWS) and American Institute of Steel Detailer (AISC) and to all terms and conditions herein for the sum of:

Miscellaneous Steel: Nineteen Thousand Five Hundred and 00/100 dollars	\$19,500.00
Alternate NO. 1: Fifty Thousand Two Hundred and 00/100 dollars	\$50,200.00
Alternate No. 4: Forty Nine Thousand One Hundred and 00/100 dollars	\$49,100.00
Alternate No.6: Twenty Eight Thousand Nine Hundred and 00/100 dollars	\$28,900.00

Job Name	Sepulveda Basin Sports Complex	Specification:	As per Plans & Specifications (Unless otherwise noted in this Proposal)
Location	6200 North Louise ,LA, CA	Addendum Date:	1,2,3
Deposit		Sheet No.	

Scope of work:

A. Miscellaneous Steel

1. Fabricate FOB Jobsite (installed by others)
 - Embed Plates as per details 11,10/A9.02
 - 27 pcs Pipe Bollards as per landscapes drawings
 - Game table supports using 3" dia. as per detail 10/L205 (5 location)
2. Fabricate and install Parking Access Gate as per detail F/L201
 - Fabricate FOB (jobsite) installed by others) Gate post

I. Alternate #1 East Pavilion (restroom building)

3. Foundation Plan as per sheet S200
 - HSS 5x5x1/4 including base plate as per detail 2/S300
4. Truss as per sheet S302
5. Fabricate and install Galvanized Wire Mesh as per at storage area and west pavilion
4. Fabricate FOB Jobsite (embed plates/Angles)
5. Furnish and install Metal Decking

II. Alternate #4 West Pavilion (office building)

1. Foundation Plan as per sheet S200
 - HSS 5x5x1/4 including base plate as per detail 2/S300
2. Truss as per sheet S302
3. Fabricate and install Galvanized Wire Mesh
4. Fabricate FOB Jobsite (embed plates/Angles)
5. Furnish and install metal decking

III. Alternate #6 Storage Bldg

1. Foundation Plan as per sheet S202
 - Fabricate Fob Jobsite (installed by others) HSS Posts as per detail 10/S202
2. HSS Frames
3. Fabricate and install Galvanized Wire Mesh
4. Fabricate FOB Jobsite (embed plates/Angles)
5. Furnish and install metal decking

GOLDEN IRON Inc.

Initial & Date Signed

Initial & Date Signed

1 of 2

Attachment "D" - C.S. Legacy Construction, Inc., response to bid protest, dated June 14, 2010



BOARD OF RECREATION
AND PARK COMMISSIONERS
2010 JUN 14 AM 7:53

Date: 6/14/10

To: Mary E. Alvarez
Company: City of Los Angeles
From: Gregg Strumpf
Fax: 213- 202-2610

Subject: Sepulveda Basin Sports Complex – Phase 1 W.O. #E170217F) – Response to Protest
Pages Following: 1

Comments: I have reviewed the protest from Western Group and find it not valid. The value of the work that the qualified subcontractor who will be installing the work in question falls below the subcontractor listing requirements as stated in the bid documents as well as Public Contract Code 4104(attached).

The value of the work that Western Group states that they proposed to subcontract is not the same as we have incorporated in our bid. They obviously planned on having their subcontractor purchase/fabricate/install. We (C.S. Legacy Construction Inc.) are going purchase the materials (self perform the purchase only) and a qualified installer (subcontractor) will be simply installing the work. The value of the install only is below the listing requirements.

It is clear in the contracting code that a subcontractor who “fabricates and installs....” Needs to be listed if the value is greater than ½ of 1% or \$10,000.00 whichever is greater, not a material supplier. Once again C.S. Legacy Construction, Inc. is purchasing the material direct from a supplier. The qualified subcontractor will be installing only.

My understanding is there may be some question on what the contract value will be to apply the ½ of 1% or \$10,000.00 whichever is greater as a listing requirement. I believe per Contract Code and the contract documents both state, “Total Bid”. This would be base bid plus whatever alternate(s) the City may choose to award.

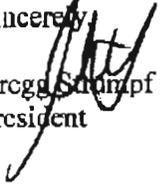
In summary we have complied with all stipulations in the bid documents. Western Groups protest should be deemed invalid.

We look forward to working with the City on another successful project.

Any questions or comments please contact me at 951-515-1322.

Please contact the office @ 909 -590 -2626 if you did not receive entire transmission.

Sincerely,


Gregg Strumpf
President

13263 Yorba Ave. Chino, Ca. 91710
(909) 590-2626 (909) 590-4117 fax

1162

PUBLIC CONTRACT CODE SECTION 4100-4114

BOARD OF RECREATION
AND PARK COMMISSIONERS
2010 JUN 14 AM 7:53

4100. This chapter may be cited as the "Subletting and Subcontracting Fair Practices Act."

4101. The Legislature finds that the practices of bid shopping and bid peddling in connection with the construction, alteration, and repair of public improvements often result in poor quality of material and workmanship to the detriment of the public, deprive the public of the full benefits of fair competition among prime contractors and subcontractors, and lead to insolvencies, loss of wages to employees, and other evils.

4103. Nothing in this chapter limits or diminishes any rights or remedies, either legal or equitable, which:

(a) An original or substituted subcontractor may have against the prime contractor, his or her successors or assigns.

(b) The state or any county, city, body politic, or public agency may have against the prime contractor, his or her successors or assigns, including the right to take over and complete the contract.

4104. Any officer, department, board or commission taking bids for the construction of any public work or improvement shall provide in the specifications prepared for the work or improvement or in the general conditions under which bids will be received for the doing of the work incident to the public work or improvement that any person making a bid or offer to perform the work, shall, in his or her bid or offer, set forth:

(a) (1) The name and the location of the place of business of each subcontractor who will perform work or labor or render service to the prime contractor in or about the construction of the work or improvement, or a subcontractor licensed by the State of California who, under subcontract to the prime contractor, specially fabricates and installs a portion of the work or improvement according to detailed drawings contained in the plans and specifications, in an amount in excess of one-half of 1 percent of the prime contractor's total bid or, in the case of bids or offers for the construction of streets or highways, including bridges, in excess of one-half of 1 percent of the prime contractor's total bid or ten thousand dollars (\$10,000), whichever is greater.

(2) (A) Subject to subparagraph (B), any information requested by the officer, department, board, or commission concerning any subcontractor who the prime contractor is required to list under this subdivision, other than the subcontractor's name and location of business, may be submitted by the prime contractor up to 24 hours after the deadline established by the officer, department, board, or commission for receipt of bids by prime contractors.

(B) A state or local agency may implement subparagraph (A) at its option.

(b) The portion of the work that will be done by each subcontractor under this act. The prime contractor shall list only

1262