



February 24, 2022

02/24/22 14:31 CLK

Hector M Leuterio
City of Hayward Public Works
777 B Street
Hayward CA 94541

Re: Bid Protest – Hayward Municipal Parking Lot 1 Improvements
Project No: 05286

Dear Mr. Hector,

This letter serves as Catos General Engineering Inc's Bid Protest as to Bear Construction Inc., The apparent low bidder for the above referenced project. We are submitting this per notice to contractor and Section 4100 of the California public contract code. Catos General Engineering Inc protests the bid as nonresponsive and directs the city to the details set forth below:

- I. In conformance with Section 2-1.06 "Subcontracting" Bear Construction Inc didn't list the proper subcontractors required to perform the special provisions work and also, lacked the required certifications and lacks the experience to self-perform the painting of electrical light poles which is part of upgrading the electric light poles of the Bid Item no: 14, per the requirements of California State Licensing Board (CSLB) please see attached.
- II. Bear Construction Inc clearly does not meet the Section 2-1.34 Bidder's Security item 3. If using Bidders Bond, it shall be properly filled and executed as per the proposal submitted by Bear Construction Inc, they provided with a copy of Bidders Bond instead of original Bid Bond and forgot to have company seal stamped on the bid bond which is generic for all the bid bonds to be submitted for public works bidding. Please see attached.
- III. Bear Construction Inc also incompletely filled the proposal page number p-6.
- IV. Bear Construction Inc forgot to mention the amount of bid proposal for the 10% of bid bond which will be payable to the city of Hayward as per the proposal page 7 submitted along with the proposal.

The above facts clearly allow the city of Hayward to reject Bear Construction Inc Bid and award to Catos General Engineering Inc.

Sincerely,

Santosh B. R. 02/24/2022

Santosh B Reddappa
Project Manager

Attachments

- CSLB License Details for Bear Construction inc.
- List of Subcontractors and suppliers provided by Bear Construction inc.
- Proposal Pages of Bear Construction Inc p6 & P7
- Specifications section 10-1.25 Upgrade Existing Street Lights

WWW.CATOSPAVING.COM

The undersigned encloses herewith bidder's bond, certified check, or cashier's check No. bidder's bond of the Granite Surety Bank, for \$ 1090, which is not less than ten percent (10%) of this bid, payable to the City of Hayward, which is given as a guarantee that the undersigned will enter into the contract if awarded the work.

The undersigned hereby certifies that this bid is genuine and not a sham or collusive or made in the interest or in behalf of any person not herein named and that the undersigned has not directly or indirectly induced or solicited any other bidder to put in a sham bid, or any other person, firm or corporation to refrain from bidding, and that the undersigned has not in any manner sought by collusion, to secure for itself an advantage of any other bid.

Nature of firm (corporation, partnership, individual, etc.) and names of individual members of the firm, or names and titles of officers of the corporation.

<u>Corporation</u>	_____
<u>Jorge Lopez</u>	_____
<u>Jorge Lopez</u>	_____
<u>Miguel Lopez</u>	_____
_____	_____
_____	_____
_____	_____
_____	_____

If a corporation, organized under the laws of the State of CA.

Licensed in California in accordance with an act providing for the registration of Contractors, License No. 1072788, Class A.

ADDENDA

This Proposal is submitted with respect to the changes to the plans and specifications included in addendum number/s.

1

(Fill in addendum number/s if addenda have been received.)

Warning

If an addendum or addenda have been issued by the City and not noted above as being received by the bidder, this Proposal may be rejected.

Signature: - Miguel Lopez - Secretary
and
Address: Bear Construction, Inc
1160 D St
Hayward, CA 94541
Date: 2/22/22



CSLB'S GET LICENSED TO BUILD WORKSHOP- will take place on Friday, Mar 4th, starting at 10 a.m.

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A GENERAL ENGINEERING CONTRACTOR

A - General Engineering Contractor

Business & Professions Code

Division 3, Chapter 9. Contractors, Article 4. Classifications

7056. A general engineering contractor is a contractor whose principal contracting business is in connection with fixed works requiring specialized engineering knowledge and skill, including the following divisions or subjects: irrigation, drainage, water power, water supply, flood control, inland waterways, harbors, docks and wharves, shipyards and ports, dams and hydroelectric projects, levees, river control and reclamation works, railroads, highways, streets and roads, tunnels, airports and airways, sewers and sewage disposal plants and systems, waste reduction plants, bridges, overpasses, underpasses and other similar works, pipelines and other systems for the transmission of petroleum and other liquid or gaseous substances, parks, playgrounds and other recreational works, refineries, chemical plants and similar industrial plants requiring specialized engineering knowledge and skill, powerhouses, power plants and other utility plants and installations, mines and metallurgical plants, land leveling and earthmoving projects, excavating, grading, trenching, paving and surfacing work and cement and concrete works in connection with the above mentioned fixed works.

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and dowels to anchor to existing sidewalk where applicable, installing sidewalk conform behind back of new sidewalk, adjusting utility boxes to finished grade, and all other work involved in installing the sidewalk, complete in place, as shown on the plans, as specified in the Standard Specifications and these Special Provisions and as directed by the Engineer and no additional compensation will be allowed therefor.

3. Driveways

At the locations directed by the Engineer, the Contractor shall construct half of the driveway at a time to allow ingress and egress. Where noted on the plans at private driveways and in conformity to the dimensions shown on the plans, Minor Concrete shall be placed on Class 2 aggregate subbase to form smooth conforms.

Concrete driveways and driveways conform will be measured by the square foot and paid for as Minor Concrete (Driveway).

The contract unit price paid per square foot for Minor Concrete (Driveway), shall include full compensation for furnishing all labor, materials, tools, equipment and incidentals and for doing all work involved in constructing the concrete driveway, complete in place, including cutting, excavation, watering, subgrade preparation and compaction, furnishing and compacting aggregate subbase, setting forms, and adhesive, or reinforcing steel and dowels to anchor driveway to existing concrete, where applicable, and all other work involved in installing the driveway, complete in place, as shown on the plans, as specified in the Standard Specifications and these Special Provisions and as directed by the Engineer and no additional compensation will be allowed therefor.

10-1.25 Upgrade Existing Streetlights

There are fourteen (14) existing streetlights inside the parking lot with 250w Gardco G 18) luminaires. These luminaires shall be replaced with 262w AR 18 30M2 LED lights.

Light poles shall be painted with RAL 6004 color.

The contract unit price paid per each streetlight upgrade shall include full compensation for furnishing all labor, materials, tools, equipment and incidentals and for doing all work involved in upgrading the LED lights and painting the pole as shown on the plans, and as directed by the Engineer and not additional compensation will be allowed therefor.

10-1.26 Reserved

10-1.27A Temporary Pavement Striping and Marking

Placement and removal of temporary striping and markers for parking stalls and traffic control inside the parking lot during operation shall be the responsibility of the Contractor and shall be done immediately after milling and paving operation.

▼ Contractor's License Detail for License # 1072788

DISCLAIMER: A license status check provides information taken from the CSLB license database. Before relying on this information, you should be aware of the following limitations.

- ▶ CSLB complaint disclosure is restricted by law ([B&P 7124.6](#)) If this entity is subject to public complaint disclosure click on link that will appear below for more information. Click [here](#) for a definition of disclosable actions.
- ▶ Only construction related civil judgments reported to CSLB are disclosed ([B&P 7071.17](#)).
- ▶ Arbitrations are not listed unless the contractor fails to comply with the terms.
- ▶ Due to workload, there may be relevant information that has not yet been entered into the board's license database.

Data current as of 2/24/2022 12:28:52 PM

Business Information

BEAR CONSTRUCTION INC
1162 D STREET
HAYWARD, CA 94541
Business Phone Number:(510) 736-6499

Entity Corporation
Issue Date 01/15/2021
Expire Date **01/31/2023**

License Status

This license is current and active.

All information below should be reviewed.

Classifications

A - GENERAL ENGINEERING

Bonding Information

Contractor's Bond

This license filed a Contractor's Bond with [MERCHANTS BONDING COMPANY \(MUTUAL\)](#).
Bond Number: CA5394769
Bond Amount: \$15,000
Effective Date: 11/23/2020

Bond of Qualifying Individual

The qualifying individual JORGE BARAJAS LOPEZ certified that he/she owns 10 percent or more of the voting stock/membership interest of this company; therefore, the Bond of Qualifying Individual is not required.
Effective Date: 01/15/2021

Workers' Compensation

This license has workers compensation insurance with the [STATE COMPENSATION INSURANCE FUND](#)
Policy Number: 9291911
Effective Date: 02/02/2021
Expire Date: 02/02/2022
[Workers' Compensation History](#)

Other

- ▶ Personnel listed on this license (current or disassociated) are listed on other licenses.

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C-32 PARKING AND HIGHWAY IMPROVEMENT

C-32 - Parking and Highway Improvement Contractor

California Code of Regulations

Title 16, Division 8, Article 3. Classifications

A parking and highway improvement contractor applies and installs protective coatings, vehicle stops, guard rails and mechanical devices, directional lines, buttons, markers, signs and arrows on the horizontal surface of any game court, parking facility, airport, highway or roadway constructed of concrete, asphalt or similar material. This classification includes the surface preparatory work necessary for the application of protective coatings but does not include the re-paving of these surfaces.

Authority cited: Sections 7008 and 7059, Reference: Sections 7058 and 7059 (Business and Professions Code)

8018

Cato's General Engineering, Inc.

dba Cato's Paving
22302 Hathaway Ave.
Hayward, CA 94541
510-397-2677 www.CatosPaving.com

Wells Fargo Bank, N.A.

11-4288/1210

2/24/2022

PAY TO THE
ORDER OF City of Hayward

\$ **500.00

Five Hundred and 00/100*****

DOLLARS

City of Hayward



AUTHORIZED SIGNATURE

MEMO

Bid request for Hayward Municipal Parking lot 1.

⑈008018⑈ ⑆121042882⑆ 7999787646⑈

Cato's General Engineering, Inc.

City of Hayward

Date 2/24/2022
Type Reference Bill 022422Bid

2/24/2022

Original Amt. 500.00
Balance Due 500.00

Payment 500.00
500.00

Check Amount

8018

Wells Fargo Checking Bid request for Hayward Municipal Parking lot 1.

500.00