



29 March 2024

03/29/24 11:23:02

Dave Hung  
Senior Engineer

City of Hayward  
Office of the City Clerk  
777 B Street  
Hayward, CA 94541

CC: Miriam Lens  
City Clerk

Gabriel Irving  
President  
Radius Earthwork Inc.

Re: Bid Protest  
Main Street Complete Street Project (Project No. 05283)

Dear Mr. Hung,

Sposeto Engineering, Inc. would like to protest the proposed award of the Main Street Complete Street Project (Project No. 05283) to Radius Earthwork Inc..

Per Section 2-1.34 of the project specifications, "all bids shall be submitted under sealed cover." Furthermore, the Notice to Contractors clearly states that "SEALED proposals" shall be submitted. However, as noted at the bid opening, the bid documents submitted by Radius Earthwork Inc. were not sealed. Sposeto Engineering, Inc. believes that Radius Earthwork Inc.'s bid proposal does not meet the requirements clearly outlined in the specifications and should be rejected.

Please feel free to reach out should you have any questions or require any further information.

Sincerely,

John Sposeto

President  
Sposeto Engineering, Inc.  
4558 Contractors Place  
Livermore, CA 94551

johns@sposetoengineering.com  
Ph: 925-443-4200  
Fx: 925-443-5800

## ATTACHMENT IV

P1 3.66, P2 7.33

022937

Vendor	Vendor Name	Check Date	Check Number		
CITYO004	City of Hayward	3/29/2024	22937		
Invoice Number	Invoice Date	Reference	Invoice Amount	Discount Amount	Payment Amount
Bid Protest 3-29-24	3/29/2024		500.00		500.00
Check Total			500.00		500.00

Vendor	Vendor Name	Check Date	Check Number		
CITYO004	City of Hayward	3/29/2024	22937		
Invoice Number	Invoice Date	Reference	Invoice Amount	Discount Amount	Payment Amount
Bid Protest 3-29-24	3/29/2024		500.00		500.00
Check Total			500.00		500.00

PRODUCT PC300H USE WITH MAX597 ENVELOPE VIEWPOINT FORMS (800) 825-8649

**SPOSETO ENGINEERING, INC.**4558 CONTRACTORS PL.  
LIVERMORE, CA 94551-4805  
(925) 443-4200  
LIC. NO. 310292**F&M BANK**Farmers & Merchants Bank of Central California  
800-888-1498 • fmbonline.com  
90-844/1211

022937

CHECK NO.

CHECK DATE

22937

3/29/2024

500.00

Five hundred dollars

PAY  
TO THE  
ORDER OFCity of Hayward  
777 B Street  
Hayward, CA 94541  
AUTHORIZED SIGNATURE

Memo:

⑈022937⑈ ⑆12110844⑆

755042000⑈

Security features. Details on back



**4558 Contractors Place  
Livermore, CA 94551**

LIC: 310292

## LETTER OF TRANSMITTAL

001  
x

fax
deliver
e-mail

**Date:** 29-Mar-24

**TO:** City of Hayward  
Office of the City Clerk  
777 B Street  
Hayward, CA 94541  
**ATTN:** David Hung

**RE:** Main Street Complete Street  
Project No. 05283  
Federal Program No. 5050(046)  
**JOB:** N/A

Please find enclosed / attached:

<u>          </u> Documents	<u>          </u> CPR	<u>          </u> Submittals
<u>          </u> Subcontracts	<u>          </u> Shop Drawings	<u>          </u> Samples
<u>      x      </u> Letter(s)	<u>          </u> Specifications	<u>          </u> Quotations

**Other:** \_\_\_\_\_

COPIES	DATE	DESCRIPTION:
1	29-Mar	Protest Letter

These items are transmitted as noted below:

<u>          </u> Returned for corrections	<u>          </u> For Approval	<u>          </u> As requested
<u>          </u> Approved as SUBMITTED	<u>          </u> For your use	<u>          </u> Return
<u>          </u> Approved as NOTED	<u>          </u> For Review/Coment	

**Remarks:**

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**Received By:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Signed:** Thank you,  
Duy Truong  
Duy Truong  
duyt@sposetoengineering.com



197 E Hamilton Ave, Ste. 204, Campbell, CA 95008

04/02/2024

To City Of Hayward

Dear Dave Hung,

Re: Response to Sposeto Engineering Inc on Main Street Complete Street project(Project No. 05283)

- Radius does not agree with the protest by Sposeto Engineering Inc.
- Radius did close the bid but may be due to oversight bid was not sealed properly.
- Bids were opened in front of all the bidders with total transparency.
- Radius confirm that their bid proposal was not tampered/alterd with any eraser or whitener.
- We are requesting that the City of Hayward and its management team to consider our observations and disregard and reject Sposeto's protest.

Regards,

Suneetha Tummala,  
Secretary,  
Radius Earthwork Inc.