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December 29, 2025

Port of Los Angeles  
Construction Division/Contract Administration  
425 South Palos Verdes Street,  
San Pedro, CA 90731

Attention: Shaun Shahrestani, Chief Harbor Engineer

**Subject:** Griffith Company Protest Letter

**Project:** Port of Los Angeles Avalon Pedestrian Bridge and Promenade Gateway/2804A

Griffith Company hereby submits this written bid protest for the above-mentioned project in accordance with applicable California public contracting law. We respectfully request that the Port of Los Angeles withhold award and/or reject the Apparent Low Bidder's bid on the grounds of non-responsiveness and/or non-responsibility for failure to comply with the subcontractor listing requirements of California Public Contract Code ("PCC") § 4104 (and related provisions) and/or §1103.

**Basis of Protest**

We understand that the Apparent Low Bidder submitted a bid in the amount of \$101,930,015.00. In its bid, it listed a bid price of \$6,500,000.00 for Bid Item 42, DWP Electrical System. The Apparent Low Bidder listed KPA Constructors Inc. with the description "Electrical for Field office, Sundial, Building and BI 41, 43,45." This description makes it clear that KPA is not performing Bid Item 42 for the DWP Electrical System.

- Under PCC § 4104(a)(1), a prime contractor must list each subcontractor who will perform work in an amount in excess of one-half of one percent of the prime contractor's total bid, which in the Apparent Low Bidder's case amounts to \$509,650.08.
- By specifically excluding Bid Item 42 from the work to be performed by KPA Constructors Inc., the Apparent Low Bidder has indicated that it intends to self-perform this item of work. However, the Apparent Low Bidder lacks the contractor's license required to perform electrical work. California Code of Regulations, Sections 7058 and 7059 (Business and Professions Code) Title 16, Division 8, Article 3 state that a C-10 Electrical license is required for any contractor that:

*places, installs, erects or connects any electrical wires, fixtures, appliances, apparatus, raceways, conduits, solar photovoltaic cells or any part thereof, which generate, transmit, transform or utilize electrical energy in any form or for any purpose.*

Bid Item 42, DWP Electrical System includes the installation of numerous electrical conduits. Apparent Low Bidder lacks the proper experience,

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TRANSMITTAL 5



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equipment, qualified personnel, or the correct contractor's license to self-perform electrical installation. Accordingly, the Apparent Low Bidder is not responsible under PCC § 1103.

- The Apparent Low Bidder's price for Bid Item 42 was \$6,500,000.00, clearly indicating that a subcontractor performing this scope is above their listing threshold of \$509,650.08. If the Apparent Low Bidder intended to subcontract this scope of work, they should have listed that subcontractor at bid time.
- To our knowledge, the Apparent Low Bidder has not submitted a letter to the Port of Los Angeles correcting any inadvertent errors in a timely manner in accordance with § 4104 and 4107.5.

### **Legal Authority**

- PCC § 4104 sets forth the subcontractor listing requirement: name, location, license, and the portion of the work to be done by each subcontractor performing work in excess of 0.5% of the prime contractor's bid.
- PCC § 4106 provides that if a prime contractor fails to specify a subcontractor as required, the prime contractor is deemed to have represented it will perform that portion itself.
- PCC § 1103 states that a responsible bidder must have demonstrated they have the experience and fitness (e.g. licensure) to perform the work.
- Case law:
  - In *Valley Crest Landscape, Inc. v. City Council* (1996) 41 Cal.App.4th 1432, the court held that the bid was void where the bidder attempted to change the subcontractor percentages after bid opening. Such a change to a material requirement could not be accepted, as the contractor could not perform as initially promised, thereby creating an advantage if permitted to revise the bid.
  - In *MCM Construction, Inc. v. City & County of San Francisco* (1998) 66 Cal.App.4th 359, the court explained that the bid must comply with the bidding instructions/specifications and the subcontractor listing statute to be responsive.
  - A bidder is responsible if it can perform the contract as promised. (*Taylor Bus Service, Inc. v. San Diego Bd. of Education*, supra, 195 Cal.App.3d at p. 1341.) A bid is responsive if it promises to do what the bidding instructions require.
  - Usually, whether a bid is responsive can be determined from the face of the bid without outside investigation or information. (*Id.* at p. 1342.)" (*Valley Crest Landscape, Inc. v. City Council*, supra, 41 Cal. App. 4th 1432, 1438.)
- The awarding authority may not waive a bidder's failure to comply with a material requirement, especially when it affects competitive fairness.



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**Why this issue is material**

The Apparent Low Bidder failed to list a major subcontractor or plans to self-perform work that it is not qualified to perform. Given that the Apparent Low Bidder's price of \$6,500,000.00 is well above the threshold and likely a substantial portion of the overall bid, the failure to list a subcontractor undermines the integrity of the competitive bidding process. Such a discrepancy gives the bidder an unfair advantage and deprives the Port of Los Angeles of the full benefit of transparency and competition, so the error is material to responsiveness and/or responsibility.

**Summary**

For the reasons above, we respectfully request the Port of Los Angeles to (1) investigate the subcontractor listing by Apparent Low Bidder, (2) conclude that the listing was incorrect and non-responsive or that Apparent Low Bidder must self-perform the scope that Subcontractor was listed for in full, in which case conclude that their bid is non-responsive, (3) reject the bid in order to protect the integrity of the public bidding process, and (4) award to the next responsive, responsible bidder.

Griffith Company appreciates the Port of Los Angeles's careful consideration of this matter and looks forward to your response.

Respectfully submitted,

Dan Leeper  
Regional Manager

Enclosed is the following documentation in support of Griffith Company:

- Skanska CSLB License Detail



## Contractor's License Detail for License # 140069

**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 12/29/2025 12:50:58 PM

### Business Information

SKANSKA USA CIVIL WEST CALIFORNIA DISTRICT INC  
 1995 AGUA MANSA RD  
 RIVERSIDE, CA 92509  
 Business Phone Number:(951) 684-5360

**Entity** Corporation  
**Issue Date** 08/03/1953  
**Expire Date** **05/31/2026**

### License Status

**This license is current and active.**

**All information below should be reviewed.**

Classifications

[A - GENERAL ENGINEERING](#)

Certifications

▶ [HAZ - HAZARDOUS SUBSTANCES REMOVAL](#)

### Bonding Information

#### Contractor's Bond

This license filed a Contractor's Bond with [LIBERTY MUTUAL INSURANCE COMPANY](#) .  
**Bond Number:** 015227958  
**Bond Amount:** \$25,000  
**Effective Date:** 04/23/2025  
[Contractor's Bond History](#)

#### Bond of Qualifying Individual

This license filed Bond of Qualifying Individual number **9412710** for JAMES THOMAS BAILEY in the amount of **\$25,000** with [FIDELITY AND DEPOSIT COMPANY OF MARYLAND](#) .  
**Effective Date:** 03/27/2023

### Workers' Compensation

This license has workers compensation insurance with the [STARR SPECIALTY INSURANCE COMPANY](#)  
**Policy Number:**1001242796  
**Effective Date:** 08/31/2024  
**Expire Date:** 08/31/2026  
[Workers' Compensation History](#)



425 S. Palos Verdes Street Post Office Box 151 San Pedro, CA 90733-0151 TEL 310-SEA-PORT portoflosangeles.org

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*Commissioner*

Eugene D. Seroka

*Executive Director*

December 30, 2025

Griffith Company  
3050 E. Birch Street  
Brea, CA 92821

Attn: Dan Leeper

**SUBJECT: RESPONSE TO BID PROTEST  
AVALON PEDESTRIAN BRIDGE AND PROMENADE GATEWAY  
SPECIFICATION NO. 2804A**

The City of Los Angeles Harbor Department (Department) has received your letter dated December 29, 2025, protesting the bid from Skanska USA Civil West California District Inc. (Skanska), for not listing an electrical subcontractor for work identified under Bid Item 42, DWP Electrical system. Your letter states that since this work involves electrical systems, a Class C-10 license is required to perform the work.

Department staff reviewed this matter and have found that the work required under Bid Item 42 includes placing of conduits and electrical vaults only and excludes procurement of electrical materials and pulling of cables, which will be performed by the Department of Water and Power at a later date. In addition, the project plans, included for the Bid Item 42 work, Note 20 on Drawing 1-1472A, E-21, requires the contractor to have a Class A license. See attached response from Skanska dated December 30, 2025.

Based on the above information, Skanska has met all the requirements, and their bid is responsive. We intend to recommend Skanska to the Board of Harbor Commissioners for a contract award at the January 6, 2025, meeting.

**Griffith Company**  
**December 30, 2025**

**Page 2 of 2**

If you have any additional questions or concerns, please contact Karen Gong, Project Construction Manager at (424) 482-0908 or at Kgong@portla.org.

Sincerely,



SHAUN SHAHRESTANI  
Chief Harbor Engineer

Shaun Shahrestani  
2025.12.30 14:17:21 -08'00'

MR:lh  
30561.doc  
File No. 2804A-4.11

Attachment

DEC 30 2025

2804A  
L/I No. 25-2953 4.11

**Skanska USA Civil West**  
**California District Inc.**  
**Estimating Department**  
1995 Agua Mansa Road  
Riverside, CA 92509-2405  
Phone 951 684 5360  
Fax 951 788 2449  
Web [www.skanska.com](http://www.skanska.com)

**CONSTRUCTION DIVISION**  
**HARBOR DEPARTMENT**

Port of Los Angeles  
Construction Division/Contract Administration  
425 South Palos Verdes Street  
San Pedro, CA 90731

Attention: Shaun Shahrestani, Chief Harbor Engineer

**Subject:** Response to Griffith Company Protest Letter

**Project:** Port of Los Angeles Avalon Pedestrian Bridge and Promenade Gateway / 2804A

Skanska USA Civil West California District Inc. ("Skanska") provides the following response to the bid protest letter dated December 29, 2025, by Griffith Company ("Griffith") with respect to Skanska's bid on the above-referenced project. Griffith's protest letter states: "the Port of Los Angeles [should] withhold award and/or reject the Apparent Low Bidder's bid on the grounds of non-responsiveness and/or non-responsibility for failure to comply with the subcontractor listing requirements of California Public Contract Code ("PCC") §4104 (and related provisions) and/or §1103." The "Basis of Protest" section in Griffith's letter is incorrect because Skanska never intended to subcontract Bid Item 42, DWP Electrical System. Therefore, the listing requirements under PCC §4104(a)(1) do not apply and cannot serve as a basis for protest.

Skanska correctly listed the items of work to be performed by KPA Constructors, Inc., described as "Electrical for Field Office, Sundial, Building and BI 41, 43, 45." Griffith is correct that Skanska specifically excluded Bid Item 42 from the work to be performed by KPA Constructors, Inc., and Skanska intends to self-perform this work.

Griffith incorrectly states, however, that Skanska lacks the contractor's license required to perform the work in Bid Item 42. Griffith takes creative liberties by inaccurately asserting that various statutes (including Business and Professions Code Section 7059) and regulations "state that a C-10 electrical license is required for any contractor that..." a statement not found anywhere in the referenced laws.

What Business and Professions Code Section 7059 actually states, at subsection (b)(1) is:

In public works contracts, as defined in Section 1101 of the Public Contract Code, **the awarding authority shall determine the license classification necessary to bid and perform the project**, in accordance with the classifications prescribed by this article and as set forth in Division 8 of Title 16 of the California Code of Regulations. In no case shall the awarding authority award a prime contract to a specialty contractor whose classification constitutes less than a majority of the project. When a specialty contractor is authorized to bid a project, all work to be performed outside of their license specialty, except work authorized by subdivision (a), shall be performed by a licensed subcontractor in compliance with the

Subletting and Subcontracting Fair Practices Act (Chapter 4 (commencing with [Section 4100](#)) of Part 1 of Division 2 of the Public Contract Code)

The awarding authority, the Port of Los Angeles, exercised this responsibility in Specification No. 2804A, page 0012-3, Item 13, which states:

“At the time of Award, the successful Bidder shall possess an active Class A California Contractor's License at the time of Award...”

The Port of Los Angeles further specified in the project drawings, specifically Drawing Number 1-3472A, Sheet Number E-21 (attached), that the work specific to Bid Item 42 (4.8KV conduit requirements) is to be performed by a Class A Licensed Contractor.

Note 20 under the Specifications and Standards section states:

“20. A CLASS “A” LICENSED CONTRACTOR IS REQUIRED TO WORK ON THIS JOB.”

To be clear, these drawings correspond to the work required under Bid Item 42, DWP Electrical System, and are consistent with the LADWP's standard drawings which also require a Class A Licensed Contractor to perform this type of work on every project in Los Angeles.

As required, Skanska holds a Class A – General Engineering Contractor License (No. 140069) issued by the Contractors State License Board. This license satisfies the contractual requirement for performing the work associated with Bid Item 42, DWP Electrical System, as explicitly stated in Note 20 above.

Not only is the requirement that a Class A Licensed Contractor perform the conduit work at issue clear in the Port of Los Angeles' (and LADWP's) documents, but the law is consistent with this requirement as well.

Business and Professions Code section 7056 defines “A general engineering contractor” as “a contractor whose principal contracting business is in connection with fixed works requiring specialized engineering knowledge and skill, including ... harbors, docks and wharves, shipyards and ports...railroads, highways, streets and roads,...bridges,...parks, playgrounds and other recreational works,...and installations...in connection with the above-mentioned fixed works.” This project is certainly this type of fixed work allowing the general contractor to install conduit in that is integral to the work.

In *Martin v. Mitchell Cement Contracting Co.* (1977) 74 Cal.App.3d 15, the Court of Appeal held that a general contractor was entitled to perform specialty work (including electrical work) without a specialty license, citing the Attorney General's Opinion on the subject:

‘1. May the holder of a general contractor's license accept a contract covering only one particular field of endeavor, without first securing an additional supplemental classification in that particular field, such as painting, decoration, electrical work, etc.?’

‘2. Is the holder of a general contractor's license required to sub-let his specialty work, such as electrical, plumbing, sheet metal, and painting, for which the board now issues specialty contractor licenses, or is he permitted to do the work himself?’

To those questions, the Attorney General replied as follows:

‘If a person is licensed and classified as a general contractor, he can take a contract for construction business for any type of construction work or contract. Not infrequently such work involves numerous crafts or trades, and even may involve every type of work done by every classification which has been set up by the Contractors' Board. Hence, if a general contractor may make a general contract in every field of activity, or craft, or trade, he may likewise make a contract covering any lesser number of

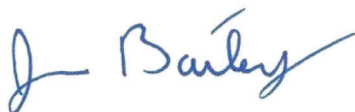
crafts or trades, even to the point where the contract involves only one trade, or specialty classification....

'There is nothing in the contractors' license law which states the manner in which a contractor must accomplish the work, i.e., there is nothing to prevent him from doing all of the work himself, or of hiring, or contracting with, specialty contractors to do a certain part of the work. Therefore, in answer to your first two questions, the holder of a general contractor's license may accept a contract covering only one particular field of endeavor, and he need not secure an additional supplemental specialty classification covering a particular field, and he may do the entire work himself if he desires.' ([3 Ops.Cal.Atty.Gen. 311, 312—313.](#))

Based on the information provided, the Port of Los Angeles should determine that Griffith's protest is without merit and should be summarily rejected. Skanska is the lowest responsive and responsible bidder and should be awarded the contract.

If you have any questions or need any additional information, please contact me at (602) 463-1740 or by email at: [James.Bailey@skanska.com](mailto:James.Bailey@skanska.com)

Thank you,  
Skanska USA Civil West California District Inc.



James Bailey  
Executive Vice President