

# FATA Construction & Development

California License # 550283 / DIR #1000003190

General Engineering • General Contracting • Construction Management • Development

## **Shaun Shahrestani**

Chief Harbor Engineer

Construction Division

**June 3, 2015**

**Re: Bid Protest** - The Berth 142 Crane Maintenance Building Project, Specification#2760  
FOR THE PORT OF LOS ANGELES, 425 S. Palos Verdes Street, San Pedro CA90731

Dear Mr. Shahrestani,

Fata Construction & Development respectfully protests the bids submitted by TOBO Construction, Inc. (Apparent low bidder) & AMG Associates, Inc. (results not publicly declared).

Fact: Fata Construction & Development bid the project placed above following all specification requirements. One representative, from Fata Construction, attended the bid opening where the results for the bidders that completed their bid forms. It was mentioned that one bidder had left the total blank. Fata Construction placed a phone call to Jill Shimamoto on Tuesday June the 26th to check on the above bid. The reply was that the owner was waiting on the apparent lowest bidder (TOBO) to complete their paperwork and to call back on Friday. We called back on Friday but received no answer. We also never received any sort of email or notification about the bid results.

By Monday morning, Fata Construction started receiving phone calls from many subcontractors, who apparently attended the bid opening, and they received a definitive answer from TOBO Construction that they will not be going through with the bid. They claimed to be checking on my status because I was the second lowest bidder at the time of the bid opening.

Following this event, I placed a phone call to Jill Shimamoto, Construction Manager at The Port of Los Angeles, where I was informed that she recently added the total Bid Items of AMG Associates after the bid opening. This showed that they are the apparent second lowest bidder.

Fata Construction & Development believes that non-compliant bid information & documents for TOBO Construction have been submitted. This information should be substantial enough to be considered non-responsive. Fata Construction & Development was put in at a distinct disadvantage due to the failure of the low bidder and "Newly declared Second" bidder, to improperly list sub-bid amounts of subcontractors and not declare the total lump sum bid at the bid opening, respectively.

### TOBO Construction, Inc.

- TOBO Construction Inc. did not properly list the Subcontractors bid amount, the 70% Ratio is not accurate and cannot be calculated with inconsistent numbers, as for example: Structural Steel work is over 1Million dollars, but TOBO is showing only \$120.000
- TOBO Construction, Inc. didn't submit the document requested in Items 10-a,b,c,d & e on page 00012-2 of notice inviting bids, within the four business days after bid opening.

### AMG Associates, Inc.

20647 Brana Road, Riverside, CA 92508      Office +1(951) 786-8126 - Fax +1(951) 653-4400

TRANSMITTAL 3

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- AMG Associates Inc. did not complete the bid form by not disclosing their GRAND TOTAL, the sum of all items, which made the LA Port trustees in charge of the bid opening unable to read out loud or declare AMG's total number as per item 5 of the "Notice Inviting Bids" Addendum No.2 "Bids must be returned to the Port of Los Angeles... at 2:45 PM (PST) Which time they will be publicly opened and declared"

In Conclusion, We respectfully request that the 1<sup>st</sup> and the newly disclosed 2<sup>nd</sup> place bidders have their bids rejected and considered non-responsive due to non-completion and non-conformance with the bidding requirements noted in the specs and addenda and non-compliance with public Contract Code, Chapter 1 State Contract Act, section 10180 where it says: On the day named in the public notice, the department shall publicly open the sealed bids and award the contracts to the lowest responsible bidders. In the case of bids opened by a district director, pursuant to Section 10141, he shall report the contents thereof to the director. In all other respects, the contracts shall be awarded as are other contracts. (Please see attached)

Thank you for your time and consideration. Should you have any additional information please feel free to contact me at 951-786-8126

Sincerely

Tony FATA

Owner

FATA CONSTRUCTION

AND DEVELOPMENT



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

Eric Garcetti Mayor, City of Los Angeles  
Board of Harbor Commissioners  
Eugene D. Seroka Executive Director  
Ambassador Vilma S. Martinez President  
David Arian Vice President  
Patricia Castellanos  
Anthony Pirozzi, Jr.  
Edward R. Renwick

June 10, 2015

FATA Construction & Development  
20647 Brana Road  
Riverside CA, 92508

Attention: Tony Fata

**SUBJECT: BID PROTEST LETTER  
BERTH 142 CRANE MAINTENANCE BUILDING  
SPECIFICATION NO. 2760 – CONTRACT NO. TBD**

The Port received your bid protest letter dated June 3, 2015 requesting that the bids for Tobo Construction, Inc. and AMG Associates, Inc. be rejected and the contract be awarded to FATA Construction.

After careful review of the bids, we will be recommending to our Board of Harbor Commissioners to reject all bids and re-advertise the project for construction. You are welcome to attend the Board meeting. It will be held on June 10, 2015 at 8:30 am at our Administration Building located at 425 S. Palos Verdes Street, San Pedro, CA 90731.

If you have any questions regarding this matter, please contact Jill Shimamoto at (310) 732-7634.

Sincerely,

SHAUN SHAHRESTANI  
Chief Harbor Engineer  
Construction Division

Attachment  
JS:ec25265.doc  
FILE: 2760 - 8.2