

2807



October 29, 2019

CITY OF LOS ANGELES  
RECEIVED

OCT 29 2019

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HARBOR DEPARTMENT

419-1737

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**Shaun Shahrestani**  
**Chief Harbor Engineer**  
**Director of Construction**  
The Port of Los Angeles  
425 S. Palos Verdes Street  
San Pedro, CA 90733-0151

**Project Name:** San Pedro Waterfront Berths 74-84 Promenade and Town Square  
**SPEC NO.:** 2807  
**RE:** Response to protest by National Demolition Contractors

Dear Mr. Shahrestani,

Please let this serve as our response to National Demolition Contractors, Inc.'s ("National") bid protest of award of this contract to Griffith Company in its letter dated 10/23/19. National asserts that its bid is responsive, but they failed to attain a major component of responsiveness by not filling out a unit price and total price for each bid item as required in the bidder's instruction in Section 00022.02(b): *"All blank spaces in the Proposal Schedule (unit prices and totals or extensions) shall be filled in numbers and shall be legible."* National failed to fill out eight unit prices and totals (Items: 78 – 85) of the eleven contingency items making their proposal incomplete and non-responsive.

Not only does the failure to fully comply with the instruction to bidders deem their proposal non-responsive but also gives them an unfair advantage over other bidders. Using National's logic, a bidder could leave numbers out in one or more unit prices and their corresponding totals and use it as an avenue to withdraw from a bid if their bid was incorrect or too low. To continue their logic; a bidder could write in a bid total that differs from the sum of the individual item totals and ask that the difference be divided, in some rational way, into the items that have been left blank. Lastly, a bidder could bid the omitted unit price and totals in another item(s) of Lump Sum and securing the money that should rightfully go back to the Port of Los Angeles and not kept by the bidder. The unfair advantages gained by National's assertions are numerous and problematic. Allowing such practices by bidders would both violate the spirit of competitive public bidding practices along with Public Contract Code.



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We would like to respectfully request that the Port of Los Angeles maintain their previous position stated in Notice of Intent to Recommend Award dated October 18, 2019, deeming Griffith Company the lowest responsive and responsible bidder on this project and moving forward with award of the contract on November 21, 2019.

Thank you for your time and attention to these matters. We look forward to working with you and your team to complete this project.

Should you have any questions or concerns, please do not hesitate to call me at (562) 929-1128

Sincerely,

  
Lucas J. Walker  
Vice President/Regional Manager  
Griffith Company