

TRANSMITTAL 4

Bid Protest Letters

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1) Bid Protest Letter from Power Engineering Construction Co.



August 28, 2025

VIA Electronic Mail and First-Class U.S. Mail

Mr. Shaun Shahrestani
Chief Harbor Engineer
The Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Re: 2025-2027 Marine Improvements ("Project")
Specifications No. 2842

Subj: **BID PROTEST RE: VORTEX MARINE CONSTRUCTION, INC.'S BID**

Dear Mr. Shahrestani:

Power Engineering Construction Co. ("Power") is the apparent second low bidder for the above referenced construction project, which was bid on July 31, 2025. In accordance with the Port of Los Angeles' Procedures, Power protests the bid of Vortex Marine Construction, Inc. ("Vortex") on the grounds that its bid was non-responsive and possibly Vortex may not be a responsible bidder.

1. LATE SUBMISSION OF BID DOCUMENTS

When evaluating a bid, a public entity must follow the requirements of the Public Contract Code and any additional requirements the public entity mandates in its bid documents (*Pozar v. Department of Transportation* (1983 145 Cal App. 3d 269) . Here, the Port's Notice Inviting Bids Section 00012 – 09 required the bidders to do the following:

The first 3 apparent low Bidders shall submit the following documents with original signatures within 4 Business Days after bids are closed. Information from other Bidders shall be requested only if they are being considered for an Award of Contract. Other Bidders shall submit this information within 4 Business Days of receiving a written request from Engineer.

- a. **Original of a check certified by a responsible financial institution, or a cashier's check or bid bond in conformance with Subsection 06 above.**
- b. **Affidavit of Noncollusion.**
- c. **Contractor/Supplier Information Form, refer to Subsection 00660.01.**
- d. **Subcontractor/Supplier Ownership Affidavit for each subcontractor and supplier, refer to Subsection 00660.02.**
- e. **Electrical Safety Policy form.**

- f. CEC Form 50, prime contractor's certification.
- g. CEC Form 55 with subcontractor's and principals of subcontractor's information (if subcontractor and principal of subcontractor information were not submitted at time of bid). Failure to submit the information within 4 Business Days after bids are closed or within 4 Business Days after receiving written request from Engineer shall be cause to deem bid nonresponsive. Refer to BIDDING DOCUMENTS Section, Subsection 00030.07, Contract Solicitations Charter Section 470 (c) (12) Subsection, Paragraph C.

Each of the three bidders, Vortex, Power, and Manson Construction Co. had four business days from July 31, 2025, the date bids were closed, to submit the above required documents with original signatures. The fourth business day was August 6, 2025.

On August 12, 2025, Vortex submitted (1) a Revised Contractor/Supplier Information Form and (2) a Revised Subcontractor/Supplier Ownership Affidavit for Aro Industries, Inc. dba Summit Environmental Contractors. Absence of evidence of the Engineer requesting this required information four business days before August 12th, Vortex's submission is late by six days. As such, according to the clear instructions in Notice Inviting Bids Section 00012 – 09, Vortex's bid is deemed nonresponsive and should be rejected.

2. A DETERMINATION OF VORTEX'S QUALIFICATIONS TO SELF-PERFORM THE CHEMICALLY IMPACTED SOIL RELATED WORK SHOULD BE UNDERTAKEN

Qualifications to Self-Perform CIS Work: Technical Specifications' Section 02 61 14 Excavating, Stockpiling, and Disposing of Chemically Impacted Soil's section 1.7 Qualifications details the specific requirements that must be possessed by the bidder when dealing with soils contaminated by hazardous chemicals that pose a significant risk to workers and the environment.

1.7 QUALIFICATIONS

A. Project Site(s) superintendent or foreperson overseeing Work of this Section shall have not less than 5 years' experience in excavating, stockpiling, loading, transporting, and disposing of CIS.

B. Work associated with CIS shall be done under the direct supervision of a State of California registered geologist or professional Engineer who has at least 5 years of experience in overseeing CIS operations.

C. Contractor shall have and maintain plan, programs, training, and medical surveillance requirements under 29 CFR 1910 and 8 CCR 5192. Prepare and implement a Project Site(s) Specific Safety and Health Plan for Contractor employees.

D. Personnel performing Work at Project Site(s) under this Section shall be 40-hour Occupational Safety and Health Administration (OSHA) health and safety trained, complete with 8-hour annual refresher, supervisor training, respirator fit testing, and other training and certifications required under 29 CFR 1910.

Vortex, in both their original bid and in their Four Day Document Submittal, lists Aro Industries, Inc., dba Summit Environmental Contractors as performing “Transportation and Disposal of Waste Soil.” Summit Environmental is not listed for “Excavation, Stockpiling, and Characterizing Chemically Impacted Soil”. Since no other subcontractor is listed to complete the excavation, stockpiling, and characterization of CIS, Vortex is effectively claiming it will self-perform this scope. While we recognize that Vortex possesses a Hazardous Substances Removal certification; the bid documents alone do not establish that Vortex possesses the required qualification listed above to self-perform the excavation, stockpiling and characterization of the CIS.

Experience Modification Rate (EMR) and Responsibility: With respect to safety qualifications, the bid documents do not contain a required minimum California workers’ compensation Experience Modification Rate (“EMR”). Vortex’s current EMR is 107. The fact that Vortex’s EMR exceeds 100 indicates that its past claims history and associated safety performance are worse than the industry average, reflecting a higher-than-typical risk profile. (As explained by the Workers’ Compensation Insurance Rating Bureau of California, “an experience modification of less than 100 percent reflects better-than-average experience, while an experience modification of more than 100 percent reflects worse-than-average experience.” [WCIRB, California’s Experience Rating System](#))

This elevated safety rating, coupled with the absence of information within Vortex’s bid regarding its qualifications to excavate, stockpile and characterize CIS, we believe warrants an investigation by the Port to determine if Vortex meets the required qualifications described above to work with CIS. If Vortex does not, the Port should reject its bid on the grounds that it is not a responsible bidder for this particular project involving this type of work.

Power requests the Port, based on Vortex’s late submission of the CE Form 55 for Aro Industries, Inc. dba Summit Environmental Contractors and if the Port’s determines, after investigating Vortex’s qualifications for CIS work, that it is not a responsible contractor for this Project, reject the bid of Vortex and award the Project to Power Engineering Construction Co., the lowest responsible responsive marine construction bidder.

Respectfully submitted,

Power Engineering Construction Co.



David Mik
President

**2) Letter to Vortex Marine
Construction, Inc. from Harbor
Department Re. Bid Protest**



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

Karen Bass *Mayor, City of Los Angeles*

Board of Harbor
Commissioners

Lucille Roybal-Allard
President

John A. Pérez
Vice President

Yolanda M. De La Torre
Commissioner

Edward R. Renwick
Commissioner

I. Lee Williams
Commissioner

Eugene D. Seroka

Executive Director

August 28, 2025

Vortex Marine Construction, Inc.
1 Maritime Way
Antioch, CA 94509

Attn: Blaise Fettig

**SUBJECT: BID PROTEST FROM POWER ENGINEERING CONSTRUCTION CO.
2025-2027 MARINE IMPROVEMENTS
SPECIFICATION NO. 2842**

The Port of Los Angeles (Port) has received the attached letter dated August 28, 2025, from Power Engineering Construction Co. relating to your bid on the subject contract.

Please review and provide a response to the Port by September 3, 2025, and address all items mentioned by Power Engineering Construction Co. in their letter.

If you have any additional questions or concerns, please contact Anthony Mainez, Project Construction Manager at AMainez@portla.org.

Sincerely,

Shaun Shahrestani

2025.08.28 15:26:11 -07'00'

SHAUN SHAHRESTANI
Chief Harbor Engineer

AM:lh
39394.doc
File No.: Spec No. 2842-4.11

Attachment

1. Bid Protest Letter from Power Engineering Construction Co.



August 28, 2025

VIA Electronic Mail and First-Class U.S. Mail

Mr. Shaun Shahrestani
Chief Harbor Engineer
The Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Re: 2025-2027 Marine Improvements ("Project")
Specifications No. 2842

Subj: **BID PROTEST RE: VORTEX MARINE CONSTRUCTION, INC.'S BID**

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- a. Original of a check certified by a responsible financial institution, or a cashier's check or bid bond in conformance with Subsection 06 above.
- b. Affidavit of Noncollusion.
- c. Contractor/Supplier Information Form, refer to Subsection 00660.01.
- d. Subcontractor/Supplier Ownership Affidavit for each subcontractor and supplier, refer to Subsection 00660.02.
- e. Electrical Safety Policy form.

- f. CEC Form 50, prime contractor's certification.
- g. CEC Form 55 with subcontractor's and principals of subcontractor's information (if subcontractor and principal of subcontractor information were not submitted at time of bid). Failure to submit the information within 4 Business Days after bids are closed or within 4 Business Days after receiving written request from Engineer shall be cause to deem bid nonresponsive. Refer to BIDDING DOCUMENTS Section, Subsection 00030.07, Contract Solicitations Charter Section 470 (c) (12) Subsection, Paragraph C.

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1.7 QUALIFICATIONS

A. Project Site(s) superintendent or foreperson overseeing Work of this Section shall have not less than 5 years' experience in excavating, stockpiling, loading, transporting, and disposing of CIS.

B. Work associated with CIS shall be done under the direct supervision of a State of California registered geologist or professional Engineer who has at least 5 years of experience in overseeing CIS operations.

C. Contractor shall have and maintain plan, programs, training, and medical surveillance requirements under 29 CFR 1910 and 8 CCR 5192. Prepare and implement a Project Site(s) Specific Safety and Health Plan for Contractor employees.

D. Personnel performing Work at Project Site(s) under this Section shall be 40-hour Occupational Safety and Health Administration (OSHA) health and safety trained, complete with 8-hour annual refresher, supervisor training, respirator fit testing, and other training and certifications required under 29 CFR 1910.

Vortex, in both their original bid and in their Four Day Document Submittal, lists Aro Industries, Inc., dba Summit Environmental Contractors as performing “Transportation and Disposal of Waste Soil.” Summit Environmental is not listed for “Excavation, Stockpiling, and Characterizing Chemically Impacted Soil”. Since no other subcontractor is listed to complete the excavation, stockpiling, and characterization of CIS, Vortex is effectively claiming it will self-perform this scope. While we recognize that Vortex possesses a Hazardous Substances Removal certification; the bid documents alone do not establish that Vortex possesses the required qualification listed above to self-perform the excavation, stockpiling and characterization of the CIS.

Experience Modification Rate (EMR) and Responsibility: With respect to safety qualifications, the bid documents do not contain a required minimum California workers’ compensation Experience Modification Rate (“EMR”). Vortex’s current EMR is 107. The fact that Vortex’s EMR exceeds 100 indicates that its past claims history and associated safety performance are worse than the industry average, reflecting a higher-than-typical risk profile. (As explained by the Workers’ Compensation Insurance Rating Bureau of California, “an experience modification of less than 100 percent reflects better-than-average experience, while an experience modification of more than 100 percent reflects worse-than-average experience.” [WCIRB, California’s Experience Rating System](#))

This elevated safety rating, coupled with the absence of information within Vortex’s bid regarding its qualifications to excavate, stockpile and characterize CIS, we believe warrants an investigation by the Port to determine if Vortex meets the required qualifications described above to work with CIS. If Vortex does not, the Port should reject its bid on the grounds that it is not a responsible bidder for this particular project involving this type of work.

Power requests the Port, based on Vortex’s late submission of the CE Form 55 for Aro Industries, Inc. dba Summit Environmental Contractors and if the Port’s determines, after investigating Vortex’s qualifications for CIS work, that it is not a responsible contractor for this Project, reject the bid of Vortex and award the Project to Power Engineering Construction Co., the lowest responsible responsive marine construction bidder.

Respectfully submitted,

Power Engineering Construction Co.



David Mik
President

**3) Letter to Harbor Department from
Vortex Marine Construction, Inc.
Re. Bid Protest Response**



Pillsbury Winthrop Shaw Pittman LLP

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Michael R. Rizzo
tel: +1.213.488.7202
michael.rizzo@pillsburylaw.com

September 3, 2025

Via Email and U.S. Mail
(SShahrestani@portla.org)

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

**Re: Response to Bid Protest from Power Engineering Construction Co.
2025-2027 Marine Improvements Specification No. 2842**

Dear Mr. Shahrestani:

We represent Vortex Marine Construction, Inc. (Vortex). Vortex submitted the low bid to the Port of Los Angeles' (the Port) under Specification No. 2842 for 2025-2027 Marine Improvements (the Solicitation). We hereby reply to the August 28, 2025 Bid Protest submitted by Power Engineering Construction Company (PEC).

By way of background, Vortex, a California-based firm established in 1992, is a nationally recognized leader in marine construction. It has more than three decades of experience in delivering complex public works projects across the United States. Vortex owns and operates a fleet of specialized marine equipment to help Vortex satisfy contract requirements. Its capabilities overlap substantially with the Port's Solicitation requirements, including dredging; pile driving; structural concrete; underwater construction; and turnkey design-build services for marine facilities.

Vortex has the experience that the Solicitation seeks. Vortex's successes include (1) providing the major marine foundation work and construction for the 3,456 foot long, three-span New Carquinez Suspension Bridge (Crockett, CA); (2) serving as the marine construction subcontractor for the \$30M Newell Creek Dam Inlet/Outlet Replacement Project (Santa Clara, CA); and (3) supporting marine construction and service activity to the U.S. Army Corps of Engineers during the Walter F. George Lock Powerhouse and Spillway project (Ft. Gaines, GA). The Port and Vortex have successfully worked together as well. From August 2017-December 2018, Vortex provided assessment, demolition, and structural rehabilitation services on more than

2000 linear feet of wharf frontage during the Port's recent Berths 196-199 Wharf Rehabilitation Project.

Vortex includes safety among its core values, and its record reflects its safety emphasis. In the Walter F. George Lock project, Vortex earned the Corps of Engineers' Celebrate Safety Subcontractor of the Year award. Blaise Fetting, its CEO, is a past winner of the Industry Leader Safety Award in recognition of outstanding safety performance from Signal Mutual Indemnity Association.

Notwithstanding Vortex's proven excellence in project performance and safety – and its low bid price on this Solicitation – PEC urges the Port to disqualify Vortex's bid. PEC claims that Vortex submitted certain documents after a mandated deadline. PEC also asserts that Vortex lacks responsibility because its 2025 California Experience Modification Rating (EMR)¹ score sits slightly above the California average. As we demonstrate, both allegations fail for a host of reasons. We respectfully request that the Port dismiss the protest.

I. Statement of Facts

A. The Solicitation Dates and Requirements

On June 5, 2025, the Port issued the Solicitation for the 2025-2027 Marine Improvements project. The Solicitation sought bids for performance of marine construction improvements, including wharf demolition and removal work; furnishing concrete piles; concrete pile removal; concrete pile driving; and concrete wharf repair. The original Solicitation set July 24, 2025 as the bid due date. To submit a compliant bid, contractors had to timely upload completed versions of the forms itemized in the Solicitation's Bidders Check List (more on this below) and a bid bond.

The Port held a Pre-Bid Conference on June 26, 2025. During the conference, the Port established that its Solicitation sought bids using pre-printed Port forms rather than elaborate proposals. In fact, the presentation materials briefed by the Port that day addressed, in detail, the nine documents that bidders had to submit on time to ensure bid compliance and timeliness. *See* Pre-Bid Conference Power Point; *see also* Solicitation at pp. 00022-1 and 00022-8 (detailing the Forms of Proposal and the "Bidders Check List").² Timely and comprehensive submission of these documents through the prescribed means alone rendered a bidder eligible for contract award.

¹ EMR is a California-specific statistic that represents an adjustment to a firm's workers' compensation insurance premium based on a three-year loss history compared to the average loss history for the relevant industry.

² Other than the Marsh letter attached hereto as Exhibit 1, the documents cited herein should reside in the Port's Solicitation file. We therefore refer to these documents and pinpoint the pages of interest rather than attaching them.

The Solicitation itemized other mandatory requirements. For minimum qualifications for excavating, stockpiling, and disposing of chemically impacted soil, the Solicitation (at p. 02 61 14-7, Section 1.7) required that bidders commit to assign a superintendent with five years or more of experience working in the tasks required under the Solicitation. Further, the Solicitation required bidders to assign a state-registered geologist with five years of similar experience. *Id.* The Solicitation also obligated contractors to establish project training, medical surveillance, and safety programs that complied with Occupational Safety and Health Administration (OSHA) standards and state regulations. *Id.*

The Solicitation had comprehensive insurance and workers' compensation requirements. These provisions required the winning bidder to have general liability insurance, marine liability insurance, umbrella insurance, automobile insurance, and fire insurance. *Id.* at p. 00060-4-00060-6, Section 3.3 A-G. By submitting a bid, the winning contractor committed to absorb the sole financial responsibility and risk associated with worker compensation claims and job site injury occurrences. *Id.* at p. 00060-6-00060-7, Section 3.3 G-H. Of note, neither these nor any other Solicitation sections require an EMR rate. In fact, the Solicitation does not mention EMR even once in its 819 pages.

In addition, bidders committed to register on the City of Los Angeles' Regional Alliance Marketplace for Procurement (RAMP) system by the time of their bid. *Id.* at p. 00012-3, Section 10. They committed to holding a Class A California Contractor's license. *Id.* at Section 12. Bidders also promised to pay prevailing wages, register with the California of Industrial Relations, and comply with Board of Harbor Commissioners' resolutions about electrical safety and equal employee benefits. *Id.* at p. 00012-3-00012-4, Sections 16-19. Again, the Solicitation did not require or want elaborate proposals or past performance materials. Instead, the Solicitation recognized that companies should bid only if they are "capable of performing the various items of Work bid upon." *Id.* at p. 00022-6, Section 17(b). While the Port reserved the right to ask for "satisfactory evidence concerning experience . . . before Award of Contract," the Solicitation did not ask (or allow) contractors to submit such details with their bids.

As the protest notes, the Solicitation required the three low bidders to submit a series of additional documents within four days after bid closing. *See* Solicitation, p. 00012-2, Section 12.09 (hereafter "the four day submission deadline"). Two of the required four day submission deadline documents were a "Contractor/Supplier Information Form" and a "Subcontractor/Supplier Ownership Affidavit[s] for each subcontractor and supplier." *Id.* The Solicitation refers bidders to Subsections 00660.01 and 00660-02, respectively, for the submission forms.

Solicitation Addendum 1 (July 21, 2025) extended bid due date to Thursday, July 31, 2025. Accordingly, August 6, 2025 became the fourth business day after bids closed. The Solicitation establishes that the Port will award the contract to the "lowest

and best regular, responsible Bidder furnishing satisfactory security for its performance and complying with Small Business Requirement.” *Id.* at 00012-4, Section 17(a).

B. Vortex’s Bid Submission

Vortex and two other contractors submitted bids in advance of the July 31, 2025, deadline. Vortex submitted the lowest price bid (\$45,878,375). The PEC bid was slightly higher: \$45,892,674. A third company, Manson Construction Co., bid \$49,957,000 to perform the Solicitation’s work. Accordingly, at present, Vortex is in line to receive a contract award under the Section 17(a) contract award criterion.

On August 6, 2025, Vortex timely submitted the seven categories of documents required by Section 12.09 of the Solicitation, including the Subcontractor/Supplier Ownership Affidavits. On August 12, 2025, the Port notified Vortex via e-mail of two insignificant clerical errors in the forms submitted by Summit Environmental Contractors (Summit). The Port informed Vortex that Summit had listed an erroneous North American Industry Classification System (NAICS) code for its business and inadvertently did not classify itself as a local business. In the e-mail, the Port directed Vortex to resubmit corrected forms. Vortex did so the same day.

C. PEC’s Bid Protest and Vortex’s Timely Response

On August 28, 2025, PEC submitted its protest. That same day, the Port notified Vortex of the protest and asked Vortex to “provide a response to the Port by September 3, 2025, and address all items mentioned by Power Engineering Construction Co. in their letter.” This response satisfies the Port’s deadline.

II. Argument

Although the Port has not yet made an award, California bid protest case law provides helpful instruction to resolve PEC’s August 28, 2025, claims. In California, to disqualify a bid, a protesting party must identify a mandatory RFP requirement that a proposed or prospective awardee violated. *See Blue Cross of California v. Department of Health Services*, 153 Cal. App. 4th 322, 332 (2007). Further, California courts instruct that agencies can and should allow bidders to revise immaterial portions of proposals after the deadline for receipt. *See Bay Cities Paving & Grading, Inc. v. City of San Leandro*, 223 Cal. App. 4th 1181, 1188 (2014) (noting that it is “well established that a bid which substantially conforms to a call for bids may, though it is not strictly responsive, be accepted if the variance cannot have affected the amount of the bid or given a bidder an advantage or benefit not allowed other bidders or, in other words, if the variance is inconsequential”)

A. Vortex Satisfied All Applicable Time Requirements and Deadlines

PEC alleges that Vortex submitted a late bid that the Port must disregard because Vortex furnished corrected subcontractor forms on August 12, 2025, which

fell after the Solicitation's August 6, 2025, Section 12.09 four-day submission deadline. This allegation mischaracterizes the facts and runs contrary to California law.

In reality, Vortex submitted all of the items required by the Solicitation Section 21 Bidders Check List – and its payment bond – by the July 31, 2025 deadline. Vortex submitted all seven categories of documents required by Section 12.09 before the four-day submission deadline of August 6, 2025, as well. Accordingly, Vortex satisfied all applicable bid deadlines.

As noted above, on August 12, the Port sent an e-mail to notify Vortex of two clerical, administrative errors in vendor affidavits furnished to Vortex from Summit. That day, Vortex quickly contacted Summit, obtained corrected vendor affidavit forms, and resubmitted them. This did not prejudice anyone. This has not slowed down the evaluation or award process either. Rather, as any agency would, the Port asked Vortex to correct two immaterial errors on vendor forms so the Port could have Summit's correct NAICS code and local business status on file. The action taken by the Port and the resubmission executed by Vortex comply with California law – and common sense. *See Bay Cities Paving & Grading, Inc., supra* (agencies can and should work with bidders to correct immaterial aspects of an overwhelmingly conforming bid). Accordingly, we urge the Port to dismiss or deny this protest ground.

B. PEC Invents Safety Requirements That Do Not Exist; and Vortex Has an Exemplary Safety Record in Any Event

PEC alleges the Port should disqualify Vortex's bid because it fails to show that Vortex has the requisite experience or qualification to self-perform required excavation, stockpiling, characterizing and disposal of chemically impacted soil ("CIS") work. PEC then alleges that Vortex's 2025 EMR rating renders Vortex insufficiently responsible to perform. Neither allegation has any merit.

1. PEC's Challenge to Vortex's CIS Qualifications is Meritless

In its protest, PEC asserts that the Port should disqualify Vortex because its bid does not demonstrate sufficient experience in CIS excavation, stockpiling, and characterization. *See* Protest at pp. 2-3. We have two responses. First, the Solicitation does not require such a demonstration. None of the mandatory Bidders Check List forms mention or even relate to CIS experience. No other provision of the Solicitation requires Vortex, PEC, or any other bidder to prove its CIS experience either. As stated, the Port asked for bid forms. It did not ask for or want proposals. In California, to disqualify a bid, a protestor must identify a mandatory RFP requirement that a proposed or prospective awardee violated. *See Blue Cross of California, supra* (protesting party must identify a mandatory RFP requirement that a bidder violated). PEC invented a requirement, so it did not state an actionable protest ground.

Second, Vortex has substantial CIS excavation, stockpiling, and characterization experience. For example, on a complex project known as Red Rock Subtidal Project (Demolition Phase), Vortex served as prime contractor on wharf and subtidal zone demolition, material sorting and disposal that involved CIS, completing the project on schedule and without incident. Vortex's PG&E ZA-1 230kV Cable Project – Phase 2 in the San Francisco Bay involved significant CIS work. Moreover, in Vortex's URS-Shell Petroleum Seep Investigation, Vortex performed almost entirely in environmentally sensitive areas that required CIS remediation. PEC suggests that the Port perform additional diligence on Vortex's capabilities. Vortex welcomes that.

2. EMR Is Not A Solicitation Requirement and PEC Misstates Vortex's Actual Safety Record

In its protest, PEC takes the position that Vortex's EMR rating "indicates that its past claims history and associated safety performance are worse than the industry average, reflecting a higher-than-typical risk profile." *See* Protest at p. 4. For this reason, PEC claims Vortex lacks the responsibility needed to qualify for a contract award. This argument misleads facts and mischaracterizes the solicitation.

On the latter, the Solicitation does not mention or even refer loosely to EMR. The Solicitation certainly does not mandate a not-to-exceed EMR rating – as PEC itself concedes. *See* Protest at p. 4 (noting that the Solicitation does "not contain a required minimum" EMR). Accordingly, PEC essentially argues that the Port should have implemented EMR as an evaluation criterion – and that it should have disqualified Vortex because its EMR is too high. That is not the law. California courts hold that bids must be evaluated based on a solicitation's *stated* terms, not post-hoc evaluation criteria from an unsuccessful bidder. *See Domar Elec., Inc. v. City of Los Angeles*, 9 Cal. 4th 161, 175-76 (1994) (stating that "bidding requirements must be strictly adhered to in order to avoid the potential for abuse in the competitive bidding process").

On the former, by focusing on EMR, PEC distorts Vortex's industry-leading safety record. In reality, in 2024, Vortex performed a significant majority of its marine construction work on United States Longshore & Harbor (USL&H) projects in California. The Longshore and Harbor Workers Compensation Act and Jones Act govern the safety metrics on those projects. Vortex's rating on USL&H projects, which accounted for more than 90 percent of Vortex's 2024 work, was exceptional. Vortex attaches hereto information from Vortex's insurance broker, Marsh Risk and Insurance Services (Marsh). Marsh characterizes Vortex's "historical loss experience" in marine construction as "exceptional." *See* Ex. 1 hereto. Marsh also confirms that from 2022 to 2025, Vortex's insurance report "states no losses" for any marine construction work. Marsh explains that Vortex's increase in EMR from 94 in 2024 to 107 in 2025 was caused by a single, non-marine claim, which already has been largely subrogated. Thus, Vortex's insurance carrier belies PEC's misleading claim.

As a final point, we note that PEC claims Vortex's high EMR score means that Vortex lacks responsibility. This also misstates the law. Responsibility involves an evaluation of whether bidders "possess the [requisite] experience, facilities, reputation, financial resources and are fully capable of performing the contract." *See* California State Contract Manual, Vol. 2, Section 1404.2. The EMR score, which was driven by a single claim, has nothing whatsoever to do with whether Vortex can perform the required work.

III. Conclusion

PEC cannot show any mandatory Solicitation criterion that Vortex violated. Further, PEC invents standards, and mischaracterizes the truth to allege that Vortex violated those standards. PEC has not established any reason why the Port should not award the contract to Vortex. We respectfully request that the Port dismiss the Protest.

Sincerely,



Michael R. Rizzo
Dinesh C. Dharmadasa
Counsel for
Vortex Marine Construction, Inc.

Enclosure

cc: Anthony Mainez, Project Construction
Manager (AMainez@portla.org)

EXHIBIT 1



Marsh Risk and Insurance Services
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San Francisco, CA 94111
T +1 417 743 8172 M +1 415 259 1262
brian.p.cooney@marsh.com
www.marsh.com

Port of Los Angeles
Harbor Department
Los Angeles, CA

August 29, 2025

Subject: 2025-2027 Marine Improvements
Specification Number 2842

To Whom it may concern:

As the commercial insurance broker on behalf of Vortex Marine Construction, I am sending you this correspondence as it relates to their Workers Compensation and their United States Longshore and Harbor (USL&H) insurance coverage.

The Workers Compensation coverage is associated with the non-marine employment exposures. The United States Longshore and Harbor (USL&H) insurance coverage specifically relates to work activities associated with water related exposures. Accordingly, the appropriate coverage associated with the captioned construction project is their United States Longshore and Harbor (USL&H) insurance program.

The historical loss experience of Vortex Marine Construction United States Longshore and Harbor (USL&H) insurance is exceptional. Please find attached the loss report we recently received from the insurance carrier, Signal, for the period from 2022 to 2024. The report states no losses and is valued as of 8/13/25. We also received a loss report from the incumbent carrier AEU for the current policy period 10/1/2024 to date. The loss report is also valued as of 8/13/25.

With respect to the Non-Marine Workers Compensation program, Vortex has historically enjoyed very low Experience Modification Factors. However, based upon a single loss of \$24,824 of which \$8,829 was subrogated, and the relatively low payroll associated with non-marine exposures, the Experience Modification Factor increased from 94 in 2024 to 107 in 2025. Please see attached the 2024 Modification Rating Worksheet.

Based upon my conversation today with the Workers Compensation Insurance Rating Bureau, the loss will not be factored into the 2026 Modification Factor. Given there have been no other losses the 2026 Experience Modification Factor is expended to be significantly reduced.

Should you have any questions with the above information please contact me.

Sincerely,

Brian Cooney
Senior Vice President

Legal text goes here.

A business of Marsh McLennan



LOSS RUN REPORT

TABLE OF CONTENTS

REPORT PARAMETERS	2
CLAIMS LISTING	3

REPORT PARAMETERS

Member(s): VORTEX MARINE CONSTRUCTION, IN (73811)

The parameters chosen for this report are as follows:

As At Date	June 20, 2024
Include Summary	N
Include Graphs	N
Include Subtotals by State, Port, and F-Code	N
Subtotals for Membership Years	
Include Claims Statistics	N
Include Detailed Claim Listing	Y
Claim Listing for Membership Years	2022 to 2023
Order Claims Listing By	Accident Date
Include Long Term Claims in Claims Listing	Y
Claims Status at Reporting Date (Open, Closed, Both)	BOTH

CLAIMS LISTING

There are no open or closed claims to report between years 2022 and 2023. Reporting date is 6/20/2024.

Date: 8/13/2025

Vortex Marine Construction, Inc.



Valued at:
8/13/2025

Cumulative Loss Run Report

Policy Number: WCF24921000 (Great American Insurance Company)

Policy Term: 10/01/2024 - 10/01/2025

Claimant: Claim Status:

Claim: Date Closed:

Date of Incident: Jurisdiction:

Job Location:

Description of Accident:

	Indemnity	Medical	Expense	Total
Incurring	\$0.00	\$0.00	\$0.00	\$0.00
Paid	\$0.00	\$0.00	\$0.00	\$0.00
Outstanding	\$0.00	\$0.00	\$0.00	\$0.00

Date: 8/13/2025

Vortex Marine Construction, Inc.



Valued at:
8/13/2025

Cumulative Loss Run Report

Policy Number: WCF24921000 (Great American Insurance Company)

Policy Term: 10/01/2024 - 10/01/2025

Policy Number: WCF24921000 (Great American Insurance Company)

Policy Term: 10/01/2024 - 10/01/2025

		Indemnity	Medical	Expense	Total	Claim Counts				
Incurred	IND	\$0.00	\$0.00	\$0.00	\$0.00	Claim Class	Total	Open	Reopen	Closed
	MO	\$0.00	\$0.00	\$0.00	\$0.00					
	Total	\$0.00	\$0.00	\$0.00	\$0.00					
Paid	IND	\$0.00	\$0.00	\$0.00	\$0.00	MO	0	0	0	0
	MO	\$0.00	\$0.00	\$0.00	\$0.00	Total	0	0	0	0
	Total	\$0.00	\$0.00	\$0.00	\$0.00					
Outstanding	IND	\$0.00	\$0.00	\$0.00	\$0.00	Incidents Reported	0			
	MO	\$0.00	\$0.00	\$0.00	\$0.00					
	Total	\$0.00	\$0.00	\$0.00	\$0.00					

Date: 8/13/2025

Valued at:
8/13/2025

Cumulative Loss Run Report

Policy Number:

Policy Term:

Vortex Marine Construction, Inc. - ALMA Totals

Last 5 Policy Periods

		Indemnity	Medical	Expense	Total	Claim Counts									
Incurred	IND	\$0.00	\$0.00	\$0.00	\$0.00	Claim Class	Total	Open	Reopen	Closed					
	MO	\$0.00	\$0.00	\$0.00	\$0.00						Indemnity	0	0	0	0
	Total	\$0.00	\$0.00	\$0.00	\$0.00						MO	0	0	0	0
Paid	IND	\$0.00	\$0.00	\$0.00	\$0.00	Total	0	0	0	0					
	MO	\$0.00	\$0.00	\$0.00	\$0.00						Incidents Reported	0			
	Total	\$0.00	\$0.00	\$0.00	\$0.00										
Outstanding	IND	\$0.00	\$0.00	\$0.00	\$0.00										
	MO	\$0.00	\$0.00	\$0.00	\$0.00										
	Total	\$0.00	\$0.00	\$0.00	\$0.00										

Vortex Marine Construction, Inc. - State Act Totals

Last 5 Policy Periods

		Indemnity	Medical	Expense	Total	Claim Counts									
Incurred	IND	\$0.00	\$0.00	\$0.00	\$0.00	Claim Class	Total	Open	Reopen	Closed					
	MO	\$0.00	\$0.00	\$0.00	\$0.00						Indemnity	0	0	0	0
	Total	\$0.00	\$0.00	\$0.00	\$0.00						MO	0	0	0	0
Paid	IND	\$0.00	\$0.00	\$0.00	\$0.00	Total	0	0	0	0					
	MO	\$0.00	\$0.00	\$0.00	\$0.00						Incidents Reported	0			
	Total	\$0.00	\$0.00	\$0.00	\$0.00										
Outstanding	IND	\$0.00	\$0.00	\$0.00	\$0.00										
	MO	\$0.00	\$0.00	\$0.00	\$0.00										
	Total	\$0.00	\$0.00	\$0.00	\$0.00										

**4) Letter to Power Engineering
Construction Co from Harbor
Department Re. Bid Protest
Response**



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

Karen Bass *Mayor, City of Los Angeles*

Board of Harbor
Commissioners

Lucille Roybal-Allard
President

John A. Pérez
Vice President

Yolanda M. De La Torre
Commissioner

Edward R. Renwick
Commissioner

I. Lee Williams
Commissioner

Eugene D. Seroka

Executive Director

September 15, 2025

Power Engineering Construction Co.
1501 Viking Street, Suite 200
Alameda, CA 94501
Attn: David Mik

**SUBJECT: BID PROTEST FROM POWER ENGINEERING CONSTRUCTION CO.
(POWER)
2025-2027 MARINE IMPROVEMENTS
SPECIFICATION NO. 2842**

The Port of Los Angeles (Port) has received your letter dated August 28, 2025, protesting the bid submitted by Vortex Marine Construction, Inc. (Vortex). We have reviewed your protest letter and provide the following responses:

Item No. 1 – Missed 4-Day Document Submission Deadline

On August 5, the Port received the 4-Day documents from Vortex before the August 6, 2025, deadline provided to the three apparent low bidders per Specifications Subsection 00012.09. Upon initial review of the documents submitted by Vortex, staff found two items that needed to be corrected.

One item pertained to the Local Business Enterprise (LBE) selection and the other item pertained to the North American Industry Classification System (NAICS) code selection of one of the subcontractors, Summit Environment Contractors (Summit) (see Attachment No. 1). Summit was initially marked as not being an LBE even though Summit is headquartered in Orange County, CA, which qualifies Summit as an LBE. A NAICS code was also provided for Summit which was not valid. Staff contacted Vortex on August 12, 2025, requesting revised documentation to correct the documents. On August 13, Vortex submitted revised documents titled “Addendum 1” (see Attachment No. 2) in response to our request for revisions.

We have determined that Vortex submitted the 4-Day document within the time allowed in the Specifications, and, upon request, staff received corrections that are immaterial to the bid.

Item No. 2 – Vortex to Self-Perform Work Without Qualifications

Power points out that Vortex must self-perform the excavation, stockpiling and characterizing of chemically impacted soil (CIS), as no subcontractor was listed to perform these specific activities, and questions whether Vortex possesses the required qualifications to do so. Power concedes that Vortex possess a Hazardous Substance Removal (HAZ) Certification in addition to their General Engineering Class “A” license, but claims that Vortex’s qualifications to perform this work are not established in the bid documents alone.

Specifications Section 026104 Article G.1 requires that contractors submit to the Port a copy of the State of California Contractor’s license with hazardous substance removal certification required to excavate, stockpile, and dispose of CIS. Vortex possesses the required Contractor’s license (Class “A”) and HAZ certification and is qualified, per requirements of the Specifications, to self-perform this work.

Item No. 3 – Vortex is Not a Responsible Bidder with Respect to Safety

Power discusses Experience Modification Rate (EMR) to question the responsibility of Vortex as a bidder by asserting that the EMR for Vortex demonstrates a higher-than-typical risk profile due to a history of past claims and below average safety performance. The Specifications do not contain requirements using the EMR metric. Therefore, EMR alone cannot be reason to find Vortex not responsible.

Therefore, we have determined that Vortex’s bid is responsive and will recommend the award of contract to Vortex at an upcoming Board Harbor Commissioner meeting.

If you have any additional questions or concerns, please contact Anthony Mainez, Project Construction Manager at AMainez@portla.org.

Sincerely,



Shaun Shahrestani
2025.09.15 15:02:32 -07'00'

SHAUN SHAHRESTANI
Chief Harbor Engineer

AM:msr
30418.doc
File No.: Spec No. 2842-4.11

Attachments

1. Email to Vortex for Revisions
2. Addendum 1 from Vortex

ATTACHMENT NO. 1

**Email to Vortex Marine Construction,
Inc. for Revisions**

2025-2027 Marine Improvements - Specification No. 2842 - Notice to Vortex Marine Construction, Inc.

From Mainez, Anthony <AMainez@portla.org>

Date Tue 8/12/2025 7:47 AM

To EEnriquez@vortex-sfb.com <eenriquez@vortex-sfb.com>

Cc Afewerki, Robel <RAfewerki@portla.org>; Leon, Erick <ELeon@portla.org>; Alvarez, Willie <WAlvarez@portla.org>; Ackopiantz, Chris <CAckopiantz@portla.org>; bfettig@vortex-sfb.com <bfettig@vortex-sfb.com>

Good morning, Edwin.

After a preliminary review of the 4-Day documents submitted by Vortex Marine Construction, Inc., the Port would like to bring to your attention a few incorrect selections:

1. The NAICS code **562900** was provided for Summit Environmental Contractors on the Subcontractor/Supplier Information Form. This code is not a valid NAICS code. Please resubmit the information form for Summit Environmental Contractors with the correct NAICS code.
2. Summit Environmental Contractors was correctly listed as a Local Business Enterprise (LBE) on the Supplier List, however the Subcontractor/Supplier Information Form and the Subcontractor/Supplier Ownership and Local Business Enterprise Affidavit lists Summit Environmental Contractors as non-LBE. Per Specification Subsection 00030.10-C-1, the Harbor Department (Port) defines an LBE as a business headquartered within Los Angeles, Orange, Riverside, San Bernardino, or Ventura Counties. The listed address in San Juan Capistrano, CA. falls within Orange County. Please resubmit the Subcontractor Information Form and Ownership/LBE Affidavit for Summit Environmental Contractors with the correct LBE selection.

When submitting the revised documents, please include a new coversheet as this submittal for revisions will be logged separately.

Additionally, the Port would like to inform you that Power Engineering Construction Co., the second apparent lowest bidder, has submitted a California Public Records Act (CPRA) request to obtain the complete bid package submitted by Vortex Marine Construction, Inc. The submitted bid documents from Vortex, as well as any documents submitted for revision, will be released as records to Power Engineering Construction Co.

Please feel free to email me if you have any additional questions.

Thank you, Edwin.



Anthony Mainez

Project Construction Manager

PORT OF LOS ANGELES | Construction
Division

425 S. Palos Verdes St. San Pedro, CA 90731

Office: 310-732-3724

ATTACHMENT NO. 2

**Addendum 1 from Vortex Marine
Construction, Inc.**



2842
HI #25-1751
04-0-2

CITY OF LOS ANGELES
RECEIVED

August 12, 2025

Port of Los Angeles
425 South Palos Verdes Street, 3rd Floor
San Pedro, CA 90731

AUG 13 2025

Attention: Shaun Shahrestani, Chief Harbor Engineer

CONSTRUCTION DIVISION
HARBOR DEPARTMENT

Subject: **2025-2027 MARINE IMPROVEMENTS Specification No. 2842**
4-Day Submittal (Addendum 1)

Dear Shaun,

In accordance with Section 00012, Subsection 09 of Specification No. 2842 2025-2027 MARINE IMPROVEMENTS, Vortex Marine Construction, Inc. hereby submits the following documents Addendum 1:

- a. Contractor/Supplier Information Form, refer to Subsection 00660.01. – **Revised form for Summit Environmental Contractors**
- b. Subcontractor/Supplier Ownership Affidavit for each subcontractor and supplier, refer to Subsection 00660.02. - **Revised form for Summit Environmental Contractors**

Please contact us if you have questions or require additional information.

Sincerely,

VORTEX MARINE CONSTRUCTION, INC.

Blaise Fettig
President



Vortex Marine Construction, Inc.

1 Maritime Way, Antioch, CA 94509

www.vortex-sfb.com, Ph: (510) 261-2400, Fax: (510) 261-2444

CA License No. A649452



SUBCONTRACTOR/SUPPLIER INFORMATION FORM (CIRCLE ONE)

Aro Industries, Inc., dba
 Business Name: Summit Environmental Contractors Award Total: \$ 3,092,600.00
 Owner's Ethnicity: Hispanic Gender: Female Group: SBE VSBE MBE WBE DVBE OBE
 (Circle all that apply)
 Local Business Enterprise: YES NO (Check only one)
 Primary NAICS Code: 562000
 Address: 33161 Camino Capistrano Suite F
 City/State/Zip: San Juan Capistrano, CA 92675
 Telephone: (949) 374-9470 FAX: (949) 542-4331
 Contact Person/Title: Grace Aronne President/CEO
 Email Address: grace@summitenvcon.com
 State Contractor's I.D. 929061 DIR Registration No. 1000024682
 RAMP Company ID 69188
 Description of Work to be Performed Transportation and Disposal of Waste Soil.
 or Items Being Supplied: _____

~~SUBCONTRACTOR/SUPPLIER INFORMATION FORM (CIRCLE ONE)~~

~~Business Name: _____ Award Total: \$ _____~~
~~Owner's Ethnicity: _____ Gender: _____ Group: SBE VSBE MBE WBE DVBE OBE~~
~~(Circle all that apply)~~
~~Local Business Enterprise: YES _____ NO _____ (Check only one)~~
~~Primary NAICS Code: _____~~
~~Address: _____~~
~~City/State/Zip: _____~~
~~Telephone: () _____ FAX: () _____~~
~~Contact Person/Title: _____~~
~~Email Address: _____~~
~~State Contractor's I.D. _____ DIR Registration No. _____~~
~~RAMP Company ID _____~~
~~Description of Work to be Performed or Items Being Supplied: _____~~

Blaise Fettig, President

 Authorized signature

8/12/2025

 Date

Refer to Subsection 00030.06 for SBE, VSBE, DVBE, MBE, WBE, and OBE definitions and refer to Subsection 00030.10 for definition of Local Business Enterprise (LBE).

02 SUBCONTRACTOR/SUPPLIER OWNERSHIP AND LOCAL BUSINESS ENTERPRISE AFFIDAVIT

AFFIDAVIT

"The undersigned declares under penalty of perjury pursuant to the laws of the State of California that the following information and information contained on the attached Contractor/Supplier Information Form is true and correct and includes all material information necessary to identify and explain the operations of

Name of Firm Aro Industries, Inc., dba Summit Environmental Contractors

as well as the ownership thereof. Further, the undersigned agrees to provide, upon request, either through the prime contractor or, directly to Harbor Department, complete and accurate information regarding ownership in the named firm, and all of its domestic and foreign affiliates, any proposed changes of the ownership and to permit the audit and examination of firm ownership documents, and the ownership documents of all of its domestic and foreign affiliates, in association with this Contract."

Please indicate the ownership of your company as defined in Subsection 00030.06 of BIDDING DOCUMENTS Section:

Small Business Enterprise (SBE) Yes or No (Circle One)
Very Small Business Enterprise (VSBE) Yes or No (Circle One)

Is your firm a DVBE MBE WBE OBE (Circle at least one)

Please indicate the local business enterprise (LBE) status of your company as defined in Subsection 00030.10 of BIDDING DOCUMENTS Section:

LBE (Circle One)
 Non-LBE (Circle One)

Signature Grace Aronne Title President/ C.E.O.

Printed Name Grace Aronne Date Signed 08/12/2025

NOTARY

State of California

County of _____

CALIFORNIA ALL- PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

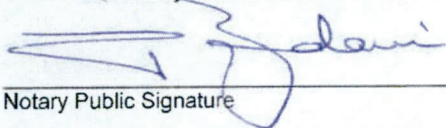
County of Orange }

On 08/12/2025 before me, HEMANSHU P. BADANI, Notary Public,
(Here insert name and title of the officer)

personally appeared GRACE ARONNE,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in ~~his/her/their~~ authorized capacity(ies), and that by ~~his/her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Notary Public Signature



(Notary Public Seal)

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

Affidavit
(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages _____ Document Date _____

CAPACITY CLAIMED BY THE SIGNER

- Individual (s)
 Corporate Officer

(Title)

- Partner(s)
 Attorney-in-Fact
 Trustee(s)
 Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he/she/they~~ is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.

01 CONTRACTOR/SUPPLIER INFORMATION FORM

DEPARTMENT USE ONLY		
Contract No.:	Award Date:	Contract Term:
Contract Title:	Award Total:	

PRIME CONTRACTOR

Business Name: Vortex Marine Construction, Inc. Award Total: \$ 45,878,375.00
 Owner's Ethnicity: N/A Gender: N/A Group: SBE VSBE MBE WBE DVBE **OBE**
 (Circle all that apply)
 Local Business Enterprise: YES _____ NO X (Check only one)
 Primary NAICS Code: 237990
 Address: 1 Maritime Way
 City/State/Zip: Antioch, CA 94509
 Telephone: (510) 261-2400 FAX: (510) 261-2444
 Contact Person/Title: Blaise Fettig
 Email Address: bfettig@vortex-sfb.com
 State Contractor's I.D. 649452 DIR Registration No. 200004391
 RAMP Company ID 24057

SUBCONTRACTOR/SUPPLIER INFORMATION FORM (CIRCLE ONE)

Business Name: Aro Industries, Inc., dba Summit Environmental Contractors Award Total: \$ 3,092,600.00
 Owner's Ethnicity: Hispanic Gender: Female Group: **SBE** **VSBE** MBE WBE DVBE OBE
 (Circle all that apply)
 Local Business Enterprise: YES ✓ NO _____ (Check only one)
 Primary NAICS Code: 562000
 Address: 33161 Camino Capistrano Suite F
 City/State/Zip: San Juan Capistrano, CA 92675
 Telephone: (949) 374-9470 FAX: (949) 542-4331
 Contact Person/Title: Grace Aronne President/CEO
 Email Address: grace@summitenvcon.com
 State Contractor's I.D. 929061 DIR Registration No. 1000024682
 RAMP Company ID 69188
 Description of Work to be Performed Transportation and Disposal of Waste Soil.
 or Items Being Supplied: _____

SUBCONTRACTOR/SUPPLIER INFORMATION FORM (CIRCLE ONE)

Business Name: Aro Industries, Inc., dba Summit Environmental Contractors Award Total: \$ 3,092,600.00
 Owner's Ethnicity: Hispanic Gender: Female Group: SBE VSBE MBE WBE DVBE OBE
 (Circle all that apply)
 Local Business Enterprise: YES NO (Check only one)
 Primary NAICS Code: 562000
 Address: 33161 Camino Capistrano Suite F
 City/State/Zip: San Juan Capistrano, CA 92675
 Telephone: (949) 374-9470 FAX: (949) 542-4331
 Contact Person/Title: Grace Aronne President/CEO
 Email Address: grace@summitenvcon.com
 State Contractor's I.D. 929061 DIR Registration No. 1000024682
 RAMP Company ID 69188
 Description of Work to be Performed or Items Being Supplied: Transportation and Disposal of Waste Soil.

SUBCONTRACTOR/SUPPLIER INFORMATION FORM (CIRCLE ONE)

Business Name: _____ Award Total: \$ _____
 Owner's Ethnicity: _____ Gender: _____ Group: SBE VSBE MBE WBE DVBE OBE
 (Circle all that apply)
 Local Business Enterprise: YES _____ NO _____ (Check only one)
 Primary NAICS Code: _____
 Address: _____
 City/State/Zip: _____
 Telephone: () _____ FAX: () _____
 Contact Person/Title: _____
 Email Address: _____
 State Contractor's I.D. _____ DIR Registration No. _____
 RAMP Company ID _____
 Description of Work to be Performed or Items Being Supplied: _____

Grace Aronne CEO/President
 Authorized signature

8/01/2025
 Date

Refer to Subsection 00030.06 for SBE, VSBE, DVBE, MBE, WBE, and OBE definitions and refer to Subsection 00030.10 for definition of Local Business Enterprise (LBE).

02 SUBCONTRACTOR/SUPPLIER OWNERSHIP AND LOCAL BUSINESS ENTERPRISE AFFIDAVIT

AFFIDAVIT

"The undersigned declares under penalty of perjury pursuant to the laws of the State of California that the following information and information contained on the attached Contractor/Supplier Information Form is true and correct and includes all material information necessary to identify and explain the operations of

Name of Firm Aro Industries, Inc., dba Summit Environmental Contractors

as well as the ownership thereof. Further, the undersigned agrees to provide, upon request, either through the prime contractor or, directly to Harbor Department, complete and accurate information regarding ownership in the named firm, and all of its domestic and foreign affiliates, any proposed changes of the ownership and to permit the audit and examination of firm ownership documents, and the ownership documents of all of its domestic and foreign affiliates, in association with this Contract."

Please indicate the ownership of your company as defined in Subsection 00030.06 of BIDDING DOCUMENTS Section:

Small Business Enterprise (SBE) Yes or No (Circle One)
Very Small Business Enterprise (VSBE) Yes or No (Circle One)

Is your firm a DVBE MBE WBE OBE (Circle at least one)

Please indicate the local business enterprise (LBE) status of your company as defined in Subsection 00030.10 of BIDDING DOCUMENTS Section:

LBE (Circle One)
 Non-LBE (Circle One)

Signature *Grace Aronne* Title President/ C.E.O.

Printed Name Grace Aronne Date Signed 08/12/2025

NOTARY

State of California

County of _____

CALIFORNIA ALL- PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of Orange }

On 08/12/2025 before me, HEMANSHU P. BADANI, Notary Public,
(Here insert name and title of the officer)

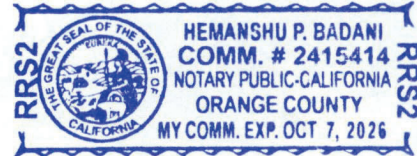
personally appeared GRACE ARONNE,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in ~~his/her/their~~ authorized capacity(ies), and that by ~~his/her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature]
Notary Public Signature

(Notary Public Seal)



ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT
Affidavit
(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages _____ Document Date _____

CAPACITY CLAIMED BY THE SIGNER

- Individual (s)
- Corporate Officer
_____ (Title)
- Partner(s)
- Attorney-in-Fact
- Trustee(s)
- Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.

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- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he/she/they~~ is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.