



October 24, 2017

Environmental Construction, Inc.  
Attention: Eric Gamonal  
21550 Oxnard Street, Suite 1050  
Woodland Hills, CA 91367

**SUBJECT: BID PROTEST LETTER – DIAMOND STADIUM TERRACES & PHASE 2 SEATING IMPROVEMENTS**

Dear Mr. Gamonal:

Staff and the City Attorney's office has reviewed Environmental Constructions, Inc.'s bid protest letter dated October 23, 2017. City staff was aware of the cited irregularity prior to receipt of your letter and had considered whether the missing "0" digit had created any ambiguity in this context. We determined that it did not and the omission of a zero immediately to the left of the decimal point was immaterial.

However, in light of the written protest, we have carefully considered your position. Notably, the City's bid form requires that the bid amount be stated in words and numerically. This is not done for the purposes of "testing" the bidder to see if they might make a mistake; it is done to provide a confirmation to the City as to the amount of the bid. Given that the written bid amount states the exact sum of the line items above it, we find no ambiguity in the bid and believe that the bid of \$1,472,000 is a fully enforceable and responsive bid.

Moreover, we do not concur that the omission of an amount in the "unit pricing" column somehow renders the bid non-responsive. The bidder's submission of the "total bid" column amount for each of the seven line items could not be more clear and is consistent with the rather broad description of each line item.

In addition, the protest was directly presented to the City Council in your email last night to them and this letter is the City's response. To the extent that the missing "0" even constitutes an irregularity in the bid, the City further exercises its right to waive such an immaterial irregularity and determined to recommend award of the bid to Maples and Associates at a substantial savings to the City when compared to other bidders for this project.

We appreciate the time and effort necessary for preparing a response to a bid request and thank you for your interest regarding Diamond Stadium Terraces & Phase 2 Seating Improvements.

Sincerely,



Jason Simpson  
Assistant City Manager