



**General Contractors  
Design – Build  
Construction Management**

**TEL (925) 837-1050  
Fax (925) 837-1652**

May 5, 2016

Mr. Kyle Broughton, Project Manager  
**NAPA SANITATION DISTRICT**  
1515 Soscol Ferry Road  
Napa, CA 94558

**RE: CIP 15713 - Aeration Basin Diffusers  
Instrumentation & Controls Project  
Notice of Bid Protest**

Mr. Broughton

This is to serve as our official protest of the apparent low bid submitted by Spiess Construction for the above referenced project. Our protest is based on the following:

1. Per the Bid Document specifications Section 00461 - "**Certification of Electrical Subcontractor's Experience & Qualifications**" (Copy attached)

Spiess listed **St. Denis Electric** as their electrical subcontractor and it would appear that they do not have the required electrical experience in municipal wastewater and water treatment projects. All projects they listed were for Well Site Development which does not qualify.

Electrical construction for well site development projects does not have the same complexity as the work required in a WWTP. We would also ask that you contact the references listed to verify that the value of the electrical work on the projects submitted was as stated on their bid forms.

Given that the District saw fit to emphasize the importance of using a qualified electrician, we feel this warrants further investigation. We cast no aspersions against Spiess whom we know to be a credible contractor, but we do feel this electrical sub is not qualified. Based on the values Spiess listed for the electrical work, the difference in price between St. Denis and Newtron appears to be significant and that should be of great concern to all.

If our assumptions are correct, then under the terms of your specifications in the bid documents, Spiess' bid must be ruled non-responsive and the contract should be awarded to Aztec.

We ask your cooperation in investigating our claim.

Sincerely,

Chris DeVette, VP - Operations

cc: Frank Duarte, Spiess Construction Co. Inc., St. Denis Electric

Name of Bidder: SPIESS CONSTRUCTION CO., INC.

5. Has a surety firm completed a contract on your behalf, or paid for completion because your firm was default terminated by the project owner within the last five (5) years?
- ☐ Yes ☒ No
6. At the time of submitting this qualification form, is your firm ineligible to bid on or be awarded a public works contract, or perform as a subcontractor on a public works contract, pursuant to either Labor Code section 1777.1 or Labor Code section 1777.7?
- ☐ Yes ☒ No
7. At any time during the last five (5) years, has your firm, or any of its owners or officers been convicted of a crime involving the awarding of a contract of a government construction project, or the bidding or performance of a government contract?
- ☐ Yes ☒ No

#### B. COMPANY EXPERIENCE

The Bidder has been engaged in the contracting business, under the present business name for 24 years and has experience in work of a nature similar to this project which extends over a period of 2.5 years (Bidder must show at least five (5) years of related experience).

The Bidder, as an Electrical Subcontractor/Contractor, has never failed to satisfactorily complete a contract awarded to him, except as follows:

For the Owner to consider the Bidder properly experienced in work of similar nature to this project, the Bidder must list at least \$3 million in construction volume for electrical and instrumentation systems on no more than five (5) projects, one of which is at least \$0.5 million completed within the last five (5) years of the following types of projects:

1. Municipal Wastewater or Water Treatment
2. Municipal Wastewater and Water Pump Station

**PUMP STATION AND PIPELINE PROJECTS ARE NOT CONSIDERED A WATER OR WASTEWATER TREATMENT PLANT PROJECT.**

The Bidder can include project(s) currently under construction, but only the total amount paid by the Owner(s) as of three (3) months prior to the bid date on uncompleted project(s) can be included in total construction volume for purposes of this Certification. The Bidder is allowed to list up to a maximum of five (5) projects of the types listed above, that combined, will add up to at least the cost in completed volume of work listed above. Any projects listed below which are not as defined above will not be considered by the Owner in meeting this pre-requisite experience requirement. For example, pump stations and