



November 26, 2025

Alfredo Huerta
Assistant City Engineer
416 N. Franklin
Fort Bragg, CA 95437

Re: Fort Bragg Municipal Improvement District No. 1 Dryer Building Reconstruction Project
WWP-00027, 281 Jere Melo St, Fort Bragg, CA 95437

Mr. Huerta,

This letter serves as a written notice that August-Jaye Construction (AJC) is officially protesting the bid submitted by Jess Construction (Jess) for the above referenced project.

The bid submitted by Jess was not submitted in accordance with the Bid Requirements as it failed to list a subcontractor for the roofing portion of the project and they are not approved to perform the work themselves.

Per specification section 07 52 00 Part 1.07A, which has been included below for reference, the specified roofing system must be installed by an approved applicator and the applicator had to have been approved prior to the bidding period.

1.07 QUALIFICATIONS

A. Applicator's Qualifications:

1. Approved by the manufacturer prior to the bidding period and throughout the installation and able to present a copy of his certification upon request by the Contracting Officer.

Per confirmation from Soprema, the specified roofing manufacturer, Jess Construction is not an approved manufacturer of their system.

Furthermore, since Jess is unable to install the roofing, they are required by law to list any subcontractor that will perform work that can exceed more than 0.5% of the bid amount. In this case, this dollar amount would be \$1,526. Per the bid submitted by Jess, the amount for the roofing scope was \$16,500. Jess in violation of the Subcontractor Listing Laws in accordance with Public Contract Code.



As Jess Construction is not an approved applicator of the specified roofing system, coupled with the failure to list a subcontractor for this scope of work, their bid must be considered non-responsive.

The City has no authority to waive this irregularity, as it is bound by its own bid documents.

The City may only award this Project to the lowest responsive bidder, which in this case is AJC. If the City chooses instead to award to any other party, AJC is empowered to seek a writ to enforce its rights. The Court will be made aware that the City accepted a bid that did not meet the Bid Requirements of Public Contract Code.

AJC is the lowest responsive bidder and must be awarded the Project.

Please do not hesitate to contact me with any questions.

Regards,

A handwritten signature in black ink that reads "Eddy Deniz".

Eddy Deniz
President
August-Jaye Construction

RECEIVED

NOV 26 2025

City of Fort Bragg
City Clerk



CITY OF FORT BRAGG

Incorporated August 5, 1889
416 N. Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2825

Date: December 26, 2025

To: Jess Construction

RE: Dryer Building Reconstruction Project (WWP-00027) Bid Protest Response

On November 21, 2025, six (6) bids were received for the reconstruction of the Dryer Building at the Wastewater Treatment Plant:

Jess Construction was deemed the lowest bidder on 11/21/2025. The City received a timely protest to Jess Construction's bid citing the roofing system spec section and stating that "Per spec section 07 52 00 Part 1.07A...the specified roofing system must be installed by an approved applicator...Per confirmation from Soprema, the specified roofing manufacturer, Jess Construction is not an approved [applicator] of their system." The bid protest claims that Jess Construction's bid does not meet code and should not be considered responsive.

The City performed an independent analysis of the claim and determined the following:

1. Jess Construction, although they have a roofing license, are not certified to install the specified roofing system; therefore, their bid does not meet the requirements.
2. Based on the lack of proper certification and the absence of a roofing subcontractor, the bid submitted does not meet the requirements.
3. Additionally, the city found that Jess Construction's Schedule of Bid Prices wasn't filled in properly or completely, which is also grounds for deeming the bid non-responsive.

The city has determined that the best course of action is to reject the low bid of Jess Construction as non-responsive because it does not comply with code standards and specifications.

We draw your attention to the following provision of City Formal bid procedures per Fort Bragg Municipal Code: §3.22.060 (C) "*The City Council shall award the contract to the lowest responsible bidder submitting a responsive bid. The City Council may, upon refusal or failure of the successful bidder to execute the contract, award it to the next lowest responsible bidder submitting a responsive bid.*" Since the low bidder was unable to provide a responsible bid based on bid content, the city of Fort Bragg has determined that your proposal is non-responsive and cannot move forward with awarding you the contract.

A recommendation to City Council to award this project to the second lowest bidder will be made on January 12, 2026, at the City Council Meeting starting at 6:00 p.m. at 363 N. Main Street in Fort Bragg. Be advised you have a right to attend the aforementioned Council meeting and present evidence to dispute the determination of non-responsiveness.

Sincerely,

A handwritten signature in black ink that reads "Alfredo Huerta".

Alfredo Huerta
Assistant City Engineer
(707)961-2823 ext. 138
ahuerta@fortbraggca.gov