



March 21, 2018

Graham Calciano  
Sacramento Regional County Sanitation District  
Internal Services Division-Contract Services  
10060 Goethe Road  
Sacramento, California 95827

RE: Tertiary Treatment Facilities Project, Contract No. 4283 Bid  
Proposed Subcontractor Form –Section 00 43 36

Mr. Calciano:

Kiewit Infrastructure West Co. is aware of the bid protest posted on March 15, 2018 and would like to offer the following comments.

With regards to the high bidder's argument that Kiewit's bid is also fatally defective and nonresponsive because Kiewit's listed subcontractor "Helix Electric/TSI" is unlicensed and was not prequalified, or in the alternative Kiewit did not provide the mandatory information for its instrumentation and control subcontractor. Kiewit offers the following comments for your consideration:

1. Kiewit listed Helix Electric as its electrical subcontractor and provided Helix' contractor number and DIR registration number. Kiewit used a "/" to indicate that the instrumentation and controls scope was included in Helix' scope of work. Everything matches up.
2. Kiewit wanted to ensure that anyone reading its bid would immediately understand that Kiewit was aware of the need to incorporate a pre-approved contractor for the instrumentation and controls work. In this case the Pre-Qualified Instrumentation and Control Subcontractors: Tesco Controls, Inc. or Technical Systems, Inc. (TSI). Again, this was indicated by the use of "/".
3. The solicitation did not provide a specific mechanism to list a second tier prequalified subcontractor, and so Kiewit communicated its compliance by using the terms "Electric/I&C" and "Helix Electric/TSI" on its subcontractor listing sheet. Kiewit also listed Helix' contractor license number and DIR registration number.
4. The listed value of \$62,000,000 is accurate for our listed subcontractor Helix Electric, and it includes the TSI scope and costs as a second tier sub, which is in compliance with CA code listing laws.

The highest bidder argues that the Sanitation District must interpret Kiewit's listing as a scheme to bid shop alleging that Kiewit used a "/" to preserve an option to contract with either Helix or TSI for the electrical work. But the Sanitation District knows what "electrical contractors" are and it knows what "instrumentation contractors" are and it knows that a bidder is required to list the license number for subcontractors (but not sub-subcontractors) and it also knows that Helix is a pre-approved electrical contractor and that TSI is a pre-approved instrumentation and controls contractor. All of this context demonstrates the flimsy nature of the highest bidder's argument.



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The highest bidder seems to believe that the Sanitation District is obligated to:

1. Ignore everything it knows as the author of the bid protest.
2. Overlook all other contextual information appearing on Kiewit's bid form (including the fact that Kiewit listed Helix' contractor license number and DIR registration number but not TSI's).
3. Suspend common sense in determining what should be considered a minor irregularity.

The high bidder conveniently avoids framing its argument this way for obvious reasons. Kiewit's bid provides everything that the Sanitation District requested in its solicitation. In this case the Sanitation District should not consider wasting taxpayer money by awarding to the highest bidder.

Kiewit's bid is likely the lowest responsive bid and we are prepared to start work immediately upon award on April 11, 2018. Please contact me with any further questions or comments.

Regards,

A handwritten signature in blue ink that reads 'Jeffrey P. Petersen'. The signature is fluid and cursive, with the first name 'Jeffrey' being the most prominent part.

Jeffrey P. Petersen  
Sr. Vice President  
Kiewit Infrastructure West Co.