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December 4, 2024

Venture Construction & Management
1435 Pera Street
Corona, CA 92882
Attn: Bobby Ragasa,
bobby.r.vcm@gmail.com

RE: W-296B WELL 7 EQUIPPING PROJECT - BID DATED NOVEMBER 21, 2024 – NON-RESPONSIVE

Dear Mr. Ragasa:

The Western Municipal Water District (“District”) has reviewed the bid submitted by Venture Construction & Management (“Venture”) on November 21, 2024, to perform work on the District’s Well 7 Equipping Project (“Project”). After careful review, staff has determined that Venture’s bid is non-responsive due to the following three irregularities, detailed below.

1. Failure to Provide a Completed List of Manufacturers

A completed list of manufactures for the equipment specified in Venture’s bid was not provided with Venture’s bid. Instruction to Bidders, Section 7 states: “The Bidder shall complete the Bid Forms in full, fill in all blank spaces....Deviations in the Bid form may result in the Bid being determined non-responsive”. Additionally, the Certified Data Sheet attached to the Bid Form required that, “opposite each item of material listed below,” Venture was to include “the name of the manufacturer or supplier of the material proposed to be furnished.” Venture failed to comply with the instructions because Venture merely referenced the Contract Documents by inserting “PER SPEC” on the Certified Data Sheet. Not only does this reference not include the name of the “manufacturer or supplier,” but the Contract Documents reference numerous manufacturer’s products and purposefully allows an “or equal” to assure all manufacturers are provided equal opportunity to propose and use materials that may differ from those specified. Thus, the “PER SPEC” reference does not enable the District to determine what manufacturer Venture intended to utilize.

2. Lack of Experience Documentation

Documentation of construction experience in similar types of either public or private works was required on Page 16 of the Bid Form, Section C. List of Completed Projects – Last Five (5)

Years. Specifically, Section C required Venture to “include only those projects which are similar enough to demonstrate Bidder’s ability to perform the required Work.” Venture attached “Project History and Reference- Exhibit ‘A’” to the Bid Form, which included generalized “Description of Project” sections that do not provide any explanation as to how each project was similar to this Project—which involves the construction of complex municipal water works, including, construction of ductile iron pipeline equipment, welded steel pipelines, municipal water pumping equipment, controlled by modern SCADA communication equipment, conforming to specific national codes, and in accordance with the well-recognized AWWA standards, in both underground and above-ground facilities.

3. Unbalanced Bid Items

Venture’s Bid is unbalanced. Instruction to Bidders, Section 17 provides: “The District may reject any Bid which, in its opinion when compared to other Bids received or to the District’s internal estimated, does not accurately reflect the cost to perform the Work. The District may reject as non-responsive any Bid which unevenly weights or allocates costs, including but not limited to overhead and profit to one or more particular Bid Items.” Venture’s amount for Bid Item 105 is 41.0% of Venture’s total bid amount, whereas the average of the other bidders for that Item was 18.7%, and Staff’s estimate for that item was 22.6%. Additionally, Venture included \$0 in Bid Item 109, whereas all other bidders included a cost for that item. On this basis Staff has determined that Venture’s bid unevenly weighs and allocates costs.

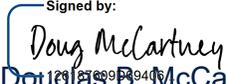
A bid is responsive if the bid promises to do what the bidding instructions demand. (*Great West Contractors, Inc. v. Irvine Unified School District* (2010) 187 Cal.App.4th 1425, 1452, citing *Taylor Bus Service, Inc. v. San Diego Bd. of Education* (1987) 195 Cal.App.3d 1331, 1341; *MCM Construction, Inc. v. City and County of San Francisco* (1998) 66 Cal.App.4th 359, 368.) This is not a complex question and can usually be determined from “the face of the bid.” (*Great West Contractors, Inc. v. Irvine Unified School District, supra*, 187 Cal.App.4th at p. 1452.) Here, the face of Venture’s bid discloses several deviations from the Project’s bidding instructions. For those reasons, staff has determined Venture’s bid is non-responsive.

As a result, District staff will recommend at the District’s Governing Board January 22, 2025 meeting that the Board determine that Venture’s bid is non-responsive and award the Project to the next lowest, responsive bidder. To the extent that you disagree with this determination, please provide a basis for this disagreement in writing no later than **TWO BUSINESS DAYS** before the above-referenced Board meeting.

The District appreciates Venture’s interest in performing work on behalf of the District.

Please contact the undersigned with any questions regarding this correspondence.

Respectfully,

Signed by:

 Douglas B. McCartney, PE, LS
 Senior Engineer
 Western Municipal Water District