

LICENSE #624264  
POST OFFICE BOX 6061  
EUREKA, CALIFORNIA 95502



(707)442-3596  
FAX: (707)442-0304

January 11, 2023  
Merritt Perry  
City of Fortuna  
621 11<sup>th</sup> St  
Fortuna, CA 95540

RE: Police Facility Remodel Project Bid Protest

This letter is written in response to the Bid Protest sent by Sweeney Mason LLP for their client Adams Commercial General Contracting, Inc. We believe their protest is without merit due to the fact that we sent in a subcontractor substitution request letter to the City of Fortuna stating that an inadvertent clerical error had occurred listing J&G Lawn and Garden in our subcontractor list. This letter was sent to the City and J&G Lawn and Garden within the 2 working days of the bid opening allowed under the Public Contracting Code 4107.5 (attached). Affidavits will be forthcoming within the prescribed 8 working days from the time of bid opening per the PCC 4107.5 requirement.

Respectfully,

Brian Pritchard  
President  
[brian@sequoiaconst.com](mailto:brian@sequoiaconst.com)

## State of California

### PUBLIC CONTRACT CODE

#### Section 4107.5

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4107.5. The prime contractor as a condition to assert a claim of inadvertent clerical error in the listing of a subcontractor shall within two working days after the time of the prime bid opening by the awarding authority give written notice to the awarding authority and copies of that notice to both the subcontractor he or she claims to have listed in error and the intended subcontractor who had bid to the prime contractor prior to bid opening.

Any listed subcontractor who has been notified by the prime contractor in accordance with this section as to an inadvertent clerical error shall be allowed six working days from the time of the prime bid opening within which to submit to the awarding authority and to the prime contractor written objection to the prime contractor's claim of inadvertent clerical error. Failure of the listed subcontractor to file the written notice within the six working days shall be primary evidence of his or her agreement that an inadvertent clerical error was made.

The awarding authority shall, after a public hearing as provided in Section 4107 and in the absence of compelling reasons to the contrary, consent to the substitution of the intended subcontractor:

(a) If (1) the prime contractor, (2) the subcontractor listed in error, and (3) the intended subcontractor each submit an affidavit to the awarding authority along with such additional evidence as the parties may wish to submit that an inadvertent clerical error was in fact made, provided that the affidavits from each of the three parties are filed within eight working days from the time of the prime bid opening, or

(b) If the affidavits are filed by both the prime contractor and the intended subcontractor within the specified time but the subcontractor whom the prime contractor claims to have listed in error does not submit within six working days, to the awarding authority and to the prime contractor, written objection to the prime contractor's claim of inadvertent clerical error as provided in this section.

If the affidavits are filed by both the prime contractor and the intended subcontractor but the listed subcontractor has, within six working days from the time of the prime bid opening, submitted to the awarding authority and to the prime contractor written objection to the prime contractor's claim of inadvertent clerical error, the awarding authority shall investigate the claims of the parties and shall hold a public hearing as provided in Section 4107 to determine the validity of those claims. Any determination made shall be based on the facts contained in the declarations submitted under penalty of perjury by all three parties and supported by testimony under oath and subject to cross-examination. The awarding authority may, on its own motion or that of any other party, admit testimony of other contractors, any bid registries or depositories,

or any other party in possession of facts which may have a bearing on the decision of the awarding authority.

(Added by Stats. 1986, Ch. 195, Sec. 42.1.)

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January 9, 2023  
Merritt Perry  
City of Fortuna  
621 11<sup>th</sup> St  
Fortuna, CA 95540

RE: Police Facility Remodel Project Bid

This letter is written to notify you that we had errors in our Subcontractor List.

1. We inadvertently listed Redwood Glass as a subcontractor when they were used as a supplier only to prepare our bid. Please remove them from the list.
2. We inadvertently listed J&G Lawn and Garden for Landscaping with an expired DIR # and propose to replace them with All Area Landscaping, CA Lic #1056765, DIR #1000662806

Respectfully,



Brian Pritchard  
President  
[brian@sequoiaconst.com](mailto:brian@sequoiaconst.com)

CC: J&G Lawn and Garden