

January 26, 2024

Olivia Grupp
City of Lakeport
225 Park Street
Lakeport, CA 95453



**RE: (Response to) Bid Advisory Against Wylatti Resource Management, Inc.'s Bid for City of Lakeport's
GSL Pavement Rehabilitation**

Ms. Grupp,

In response to the protest letter drafted by Weinberg Roger and Rosenfeld ("WRR") on behalf of the Construction Industry Force Account Council ("CFIC"), Wylatti Resource Management, Inc. ("WRM") believes that the issues presented by WRR and CFIC in no way paints WRM as "untrustworthy and unfit", nor does it violate any "fair and open bidding" practices. WRM is prospective low bidder, above engineers estimate by 0.4%, below second place Nelson Construction by a margin of 3% and third place Consolidated Engineering by 3.6%. A spread typical of the fair and open bidding practices that CFIC claims to be a proponent of.

Before addressing the claims cited below WRM would like to point out that this is the third protest of our GSL Bid by a Labor Union Affiliated Association¹ pointing towards issues that were resolved in years past, and bringing up recent allegations that are inconsequential to WRM's ability to perform. Wylatti Resource Management is a non-union company that is being protested solely because of its non-union status. Our workforce is as local as it gets, and we are proud of the work we do.

As for the claims that WRR and CFIC put forth, we will address these in bullet format as they have been presented to us:

- *Providing False Answers to Two Critical Questions*
WRM inadvertently marked 'No' to two questions on the Bidder Information form. The two questions with the correct information are set in the Attachment hereto.

The incorrect responses to the two questions on the Bidder Information Form are not material elements of the contract specifications. Legal counsel has informed us that the City has the authority to waive inconsequential variances from the bidding documents. (see *Bay Cities Paving & Grading, Inc. v. City of San Leandro* (20140 223 Cal.App. 4th 1181) In our case, the incorrect responses do not affect WRM's bid, including bonding and insurance requirements. Since the mistake in the Bidder Information Form does not impact WRM's bid in any way whatsoever, WRM has no basis to back out of its bid. WRM has no advantage or benefit from its inconsequential error.

As to the violations of law, and the correct responses to the questions, all of the labor Commissioner rulings, except for the \$240 penalty, were resolved by January 2021 before my (Selby Ford, Corporate Secretary) employment (June 7, 2021) with WRM.

¹ "About Us." *Weinberg, Roger & Rosenfeld*, www.unioncounsel.net/about-us. Accessed 26 Jan. 2024.

- Cal/OSHA Assessed Penalties

WRM has had (2) alleged OSHA violations of record. The first has to do with minor building repairs at the Geo Aggregates Concrete Plant in Fort Bragg (Under the Wylatti Enterprises Umbrella). These repairs (leaky roof, hole in floor) were immediately fixed following the citations and the case settled.

The second alleged OSHA violation took place with a member of our tree crew on a Caltrans Emergency project. Following the incident, WRM hired a third party outside consultant to revamp the tree division's Safety Management Program. Since then, all members of the tree crew have undergone labor specific training given by the outside consultant. This violation is still in the appeals process.

- Penalty Assessment Against (WRM) for Non-Compliance of State Labor Code

All of the State Labor Code violations that WRR and CFIC cite in their protest state: "**Subject firm (WRM) has satisfactorily paid all prevailing wages and /or penalties found due**". No protests were filed by WRM in response to these penalties. These violations occurred in a time of growth and staffing turnover and have since been remedied. We have hired more competent staff and remain dedicated to staying on top of the most current State Labor Laws.

WRM has a proven record of trustworthiness, experience, and capacity to perform public works contracts. In 2023 Caltrans invited us to be Speaking Participants on the North Region (D1, D2, & D3) Caltrans Contractor's Boot Camp panel due to our safety, integrity, and workplace efficiencies proven through our numerous and successful contracts with them. A panel shared jointly with Granite, Ghilotti, Golden State Bridge and Flat Iron Construction, and a panel for which we have been asked to speak on again this coming February 2024. Wylatti Resource Management, a non-union company, stands by its *fair* bid and is prepared to do the work for the contracted price.

**BIDDER INFORMATION
GSL PAVEMENT REHABILITATION
BID NO. 23-02**

IN THE CITY OF LAKEPORT, CALIFORNIA

BIDDER certifies that the following information is true and correct:

Name of Bidder: Wylatti Resource Management, Inc.
Business Address: PO Box 575, Covelo CA 95428
Telephone: 707-983-8135 FAX: _____
E-mail: wylatti@gmail.com
Contractor's License No.: 934597 Date License Issued: 06/24/2009
License Expiration Date: 06/30/2025

The following are the names, titles, addresses, and phone numbers of all individuals, firm members, partners, joint venturers, and/or corporate officers having a principal interest in this proposal: (Name / Title / Address / Telephone)

Any voluntary or involuntary bankruptcy judgments against any principal having an interest in this proposal are as follows: (Type of Judgment / Date)

N/A

All current and prior DBA's, aliases, and/or fictitious business names for any principal having an interest in this proposal are as follows: (Principal / DBA's / Applicable Dates)

N/A

Prior Disqualification

Has your firm ever been disqualified from performing work for any City, County, Public or Private Contracting entity? Yes / No No. If yes, provide the following information. (If more than once, use separate sheets):

Date: _____ Entity: _____
Location: _____
Reason: _____
Provide Status and any Supplemental Statement: _____

Has your firm been reinstated by this entity? Yes / No _____

Violations of Federal or State Law

A. Has your firm or its officers been assessed any penalties by any agency for noncompliance, violations of Federal or State labor laws and/or business or licensing regulations within the past five (5) years relating to your construction projects?

Yes / No: ~~No~~ Yes Federal / State: _____
If "yes", identify and describe, (including status): _____

See Attached

Have the penalties been paid? Yes / No: Yes

Type text here

B. Does your firm or its officers have any ongoing investigations by any AGENCY regarding violations of the State Labor Code, California Business and Professions Code or State Licensing laws?

Yes / No: ~~No~~ Yes Codes / Laws:..... Section / Article:.....

If "yes", identify and describe (including status):.....

See Attached

I declare under penalty of perjury under the laws of the State of California that all of the representations made in this **BIDDER INFORMATION** are true and correct. Executed this 16th day of January, 2024 at Covelo, California.

Authorized Representative Signature and Title



Selby Ford, Corporate Secretary

Attachment to "Bidder Information GSL Pavement Rehabilitation Bid NO. 23-02"

Has your firm or its officers been assessed any penalties by any agency for noncompliance violations of Federal or State labor laws and/or business licensing within the past five (5) years relating to your construction projects?

Job - DIR Number	Description	Status-Date
Repair Drainage System Pr. No. 352136	Labor Code 1777.7	Closed 04/29/2022
2017 Fire Damage Repairs in Potter Valley - 180100	Labor Code 1777.7	Closed 1/12/2021
Hearst Willits Road	Labor Code 1777.7	Closed 1/12/2021
Caltrans Emergency Force Account- 290315	Labor Code 1777.7	Closed 12/09/2020
Mendocino Coast Conservation District - 255304	Labor Code 1777.7	Closed 12/09/2020
Ukiah Oak Manor - 276051	Labor Code 1777.7	Closed 12/09/2020
South Fork Ten Mile Enhancement - 243583	Labor Code 1777.7	Closed 12/09/2020
Caltrans 01-A1963 - 277337	Labor Code 1777.7	Closed 12/09/2020
Caltrans 01-A1963 - 277337	Labor Code 1775	Closed 12/09/2020
Caltrans 01-A1963 - 277337	Training Funds Due	Closed 12/09/2020
Caltrans Emergency Force Account- 275845	Labor Code 1777.7	Closed 6/18/2020

Does your firm or its officers have any ongoing investigations by any Agency regarding violations of the State Labor Code, California Business and Professions Code or State Licensing laws?

Job - DIR Number	Description	Status- As of Date
Caltrans 04-1K7504 - 409302	TBD	Ongoing - 05/26/2023