



City of Temecula

41000 Main Street • Temecula, California 92590
Phone (951) 694-6411 • temeculaca.gov

April 2, 2024

VIA EMAIL ONLY: Panikos@Leonidabuilders.com

Panagiotis Leonida, President
Leonida Builders, Inc.
32023 Crown Valley
Acton, CA 94510

Re: Santa Gertrudis Creek Trail Phase 2 - Margarita Road Under-Crossing PW 19-04 (Rebid)

The City of Temecula has received a bid protest from Beador Construction Company, Inc., dated March 21, 2024. A copy of that bid protest letter is enclosed, which essentially posits that Leonida cannot bid on this project as it had previously successfully withdraw its bid, *i.e.*, the City had accepted Leonida's bid withdrawal request, and subsequently rejected all bids and had rebid this project.

Beador's bid protest letter cites Public Contract Code Section 5105 which states: "A bidder who claims a mistake or who forfeits his or her bid security shall be prohibited from participating in further bidding on the project on which the mistake was claimed or security forfeited." (Underline added).

By operation of the clear and plain meaning of this statute, the City intends to reject Leonida's bid that was submitted on the rebid of this project. If Leonida has contrary controlling legal authority, we request that it be provided to the City within three (3) business days of the date of this letter.

Sincerely,

William Becerra
Associate Engineer II - CIP

cc: Patrick A. Thomas – Director of Public Works / City Engineer
Avlin R. Odviar – Principal Civil Engineer – CIP
Randi Johl – City Clerk
Jennifer Hennessy – Director of Finance
B. Tilden Kim – City Attorney



**Beador
Construction
Company, Inc.**

March 21, 2024

City of Temecula
Office of the City Clerk
41000 Main Street
Temecula, CA 92590

Attention: City Clerk

RE: Beador Construction Company Inc. Bid Protest – Leonida Builder's Bid
City of Temecula Project No. PW19-04
Santa Gertrudis Creek Trail Phase II – Margarita Rd Under-Crossing (Rebid)
Bid Submitted March 21, 2024

City Clerk:

Beador Construction Company Inc. hereby protests Leonida Builders bid submission. Leonida is barred from bidding this contract per California Public Contract Code, PCC § 5105.

*California Code, Public Contract Code - PCC § 5105 Current as of January 01, 2023 | Updated by
A bidder who claims a mistake or who forfeits his or her bid security shall be prohibited from
participating in further bidding on the project on which the mistake was claimed or security forfeited.*

Leonida bid the first time the project bid at \$2,380,235.00 and, as we were informed, requested bid relief for that and their bid. Leonida is barred from further bidding on the project thus pursuant to PCC § 5105. It is interesting and noted they submitted a bid the 2nd time over \$1,000,000 higher (150% higher) but just under the first bid submission by Beador. Beador is not in business to provide other Contractors the presumably correct pricing they should be using in their bid submission. Leonida Builders is not the "lowest responsible bid" as they are not allowed to bid the project. The City must reject Leonida's bid and award the contract to the lowest responsible bidder, which appears to be Beador Construction Company, Inc.

Should you have questions or comments, please feel free to call.

Sincerely,
Beador Construction Company, Inc.
David A. Beador
David A. Beador
President

