



# City of Temecula

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

## VIA EMAIL

**December 11, 2023**

Wadih E. Daher  
Aster Construction Services, Inc.  
1666 ½ Mccadden Place  
Los Angeles, CA 90028

**SUBJECT: Bid Proposal submitted by Aster Construction Services, Inc.**  
**PROJECT: Community Recreation Center Splash Pad & Sun Shade,  
PW21-07 (Rebid) -- Notice of Non-Responsive Bid**

Mr. Daher:

On November 30, 2023, Aster Construction Services submitted a bid proposal via Planetbids for the Community Recreation Center Splash Pad & Sun Shade Project, PW 21-07. The City also received bid proposals from California Waters Development Inc. and Armstrong Cal Builders, Inc.

After careful review of the submitted proposal, several discrepancies were noted that pertain to the completion of Subcontractors List/Bidders List, page P-5 of the contract documents. Notably, the following items/information were not completed:

- Bid Item Number
- Percent of Bid Item
- Certified DBE (Yes or No)
- Last Year's Gross Receipts
- Percent of Total Bid

Included is the Subcontractor's List/Bidders List that was submitted with your proposal, along with the Subcontractor's List/Bidders List that were submitted by California Waters Development and Armstrong Cal Builders. The other two contractors submitted forms that were completely filled out.

For this reason, staff intends to recommend that the City Council deem Aster Construction Services bid as non-responsive at the January 9, 2024 City Council meeting. If you dispute the foregoing, please submit any formal response/protest within 3 business days of the date of this letter.

If you require additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "William Becerra". The signature is written in a cursive style with a large initial "W".

William Becerra

Associate Engineer II - CIP

cc: Patrick A Thomas – Director of Public Works / City Engineer  
Avlin Odviar – Principal Civil Engineer – CIP  
Ron Moreno – Assistant Director of Public Works  
Amer Attar – Engineering Manager, Public Works

**CITY OF TEMECULA, DEPARTMENT OF PUBLIC WORKS**  
**SUBCONTRACTORS LIST / BIDDERS LIST**  
for  
**COMMUNITY RECREATION CENTER SPLASH PAD & SUN SHADE**  
**PROJECT NO. PW21-07 (REBID)**

**PRIME CONTRACTOR:** Aster Construction Services

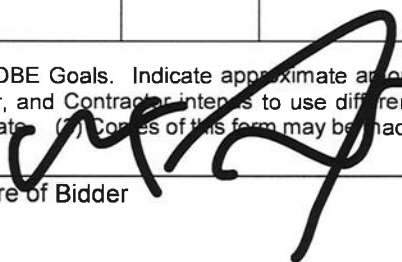
**PRIME CONTRACTOR DBE?:** YES  NO

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DIVISION OF WORK OR TRADE	BID ITEM NUMBER	PERCENT OF BID ITEM	NAME & ADDRESS OF SUBCONTRACTOR	LICENSE NO. OF SUBCONTRACTOR /DIR REGISTRATION NO.	CERTIFIED DBE (YES OR NO)	LAST YEAR'S GROSS RECEIPTS (a)	PERCENT OF TOTAL BID
water play features			Hydrology Group Inc, 17 Spectrum Pointe Dr, Lake Forest, CA 92630	1034751			
shade structure			Zoom Recreation	1067651			
Survey			Landmark Consulting, 4373 Viewbridge Ave, Suite A, San Diego, CA 92123				

**Notes:** (1) Used on Federal-aid contracts in conformance with Title 49 CFR 26, for establishing Annual DBE Goals. Indicate approximate amount if under \$1 million, if between \$1 million and \$5 million, if greater than \$5 million. (2) If alternate bids are called for, and Contractor intends to use different or additional subcontractors on the alternates, the Contractor must provide a separate list of subcontractors for each alternate. (3) Copies of this form may be made if necessary.

  
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Signature of Bidder

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**PRIME CONTRACTOR:** California Waters Development Inc, dba California Waters

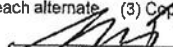
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Electrical	1	1%	D S P Electrical Contractors, Inc 28497 Hwy 74 Unit R310 Lake Elsinore, CA 92532	CSLB: 928856 DIR: 1000013287	No	N/A	1%
Sun Shade	1	4%	Shade Structures PO Box 3467 Coppell, TX 75019	CSLB: 989458 DIR: 1000003533	No	N/A	4%
Fencing	1	1%	All League Fence Co 1831 Sonora Ave, San Bernardino, CA 92404	CSLB: 986316 DIR: 1000018901	No	N/A	1%
Turf	1	2%	Bitright Turf PO Box 1627 Temecula, CA 92592	CSLB: 1016328 DIR: 1000041367	No	N/A	2%
Splash Pad Surfacing	1	2%	Inside Edge Commercial Interior Service, LLC 2700 Blue Water Rd, Suite 400 Eagan, MN 55121	CSLB: 1051554 DIR: 1000536764	No	N/A	2%

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Signature of Bidder

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**PROJECT NO. PW21-07 (REBID)**

**PRIME CONTRACTOR:** Armstrong Cal Builders Inc

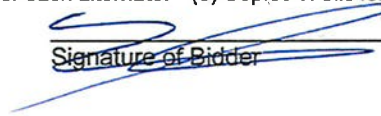
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Pre-Engineered Shade Structure	1	4%	Shade Structures, Inc, 1085 N. Main Street, Suite C	989458/ 1000003533	NO	TO FOLLOW	4%
Electrical	2	3%	Caliba Inc.	Lic# 657694/ Dir# 1000042461	NO	TO FOLLOW	3%
Splash Pad	3	40%	Hydrology	Lic# 1034751 Dir: 1000056013	NO	TO FOLLOW	40%

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Signature of Bidder Shawn Salah



December 12, 2023

William Becerra

City of Temecula

4100 Main Street

Temecula, CA 92590

SUBJECT: YOUR "NON-RESPONSIVE" LETTER DATED 12/11/2023

PROJECT: Community Recreation Center Splash Pad & Sun Shade PW21-07

Mr. Becerra:

In response to your letter that listed items/information that were "not completed", I would like to clarify the followings:

Per the bid documents, this bid was a lump sum bid with only One bid item and it requested to provide a schedule of value from the lowest bidder at later date (which is attached here). Based on that, the subcontractors' list provided in the bid document doesn't reflect the nature of this bid; rather it is a generic list used for bids with detailed line items and not only One lump sum item.

The "**Bid Item Number**" column should be kept blank, as we did, since there was No bid Items for the subcontractors. Hence, whatever the other two contractors listed in this column is wrong. California Waters Development listed #1 for all trades on the bid item column, and Armstrong Cal Builders listed 1, 2, and 3 on the bid item column which they don't exist. So, Aster decided to keep it blank, which was the correct way in our opinion.

The "**Percent of bid Item**" column should be kept blank as well as we did. The other subcontractors listed the same percentages on this column as on the "Precent of Total Bid" column which is not correct. This was due to the confusion in the bid document provided to us. There was no bid items for subcontractors and therefore there should be no percentage of bid item.

The "**Certified DBE**" column, since the bid documents didn't require the subcontractors' to be Certified DBE therefore it was not relevant to us to fill out this column. The Other



Contractors replied No for all their subcontractors. Replying by No or keep it blank was the same for us in our opinion.

The "Last Year Gross Receipts" wasn't provided by all subcontractors for the other two bidders. So it was the same to us by keep it blank or say "N/A" or "to Follow".

The "**Percent of Total Bid**" column was kept blank by us is because this bid was a Lump Sum bid and there was no Bid Items for every trade. This column was the only column that we could have filled out but we didn't because of the Lump Sum nature of this bid.

However, please find attached our updated subcontractors list which shows Percent of total bids.

We just finished Mary Phillips Senior Center Recreation Area PW22-08 for the City of Temecula and we are so excited to do this project as well. We have lots of experience and have a very qualified team (all our project managers have Construction or Civil engineering degree) and we promise to provide best service and quality of work to the City of Temecula.

I am planning, if I may, to attend the City Council meeting on January 9, 2024 to explain further my point of view and response.

Regards,

A handwritten signature in blue ink, appearing to read "E. Daher", with a long, sweeping underline.

Eddie Daher

President

Cel: (951)445-6117

**CITY OF TEMECULA, DEPARTMENT OF PUBLIC WORKS**  
**SUBCONTRACTORS LIST / BIDDERS LIST**  
for  
**COMMUNITY RECREATION CENTER SPLASH PAD & SUN SHADE**  
**PROJECT NO. PW21-07 (REBID)**

**PRIME CONTRACTOR:** Aster Construction Services

**PRIME CONTRACTOR DBE?:** YES  NO

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Splash Pad & Water Play features			Hydrology Group Inc, 17 Spectrum Pointe Dr, Lake Forest, CA 92630	LIC# 1034751 DIR#1000056013	No	N/A, to follow	47.18%
Shade Structure			Zoom Recreation 445 S. Figueroa St, Suite 3100-279, Los Angeles, CA 90071	LIC# 1067651 DIR#1000655676	No	N/A, to follow	2.3%
Site Survey			Landmark Consulting, 4373 Viewbridge Ave, Suite A, San Diego, CA 92123	PLS# 4878 DIR#100005403	No	N/A, to follow	0.3%

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\_\_\_\_\_  
Signature of Bidder





**Project Name: Splash Pad and Sun Shade**

**Number of Working Days: 120 days**

**Estimated Bid Value: \$1,102,000.0**

A	B

ITEM	DESCRIPTION OF WORK	Total Per Division	Work performed by	Percentage of Total bid
<b>1)</b>	<b>General Requirements</b>	\$320,000.00	ACS	
1	Liability Insurance, RP America \$6.87/\$1000			
2	Bond Cost			
3	Permit Cost			
4	Construction General Tools & Miscellaneous			
5	Portable Toilets & Sinks			
6	Temporary Fencing			
7	Waste Management & Disposal (1 dumpster per 2 month)			
8	Traffic Control,			
9	Site Superintendent			
10	Project Manager			
11	Surveying		Landmark Consulting	0.30%
12	Material unload and storage			
13	Final Cleaning			
14	Close Out			
15	Gas			
16	Overhead and profit			
<b>2)</b>	<b>Existing Conditions</b>	\$95,000.00	ACS	
	<b>Demo at Wading Pool</b>			
1	Fence Panel			
2	Gate (double swing 72")			
3	Conc deck + wading Pool			
4	Remove and reinstall Cleanout			

5	Demo Existing bench			
6	Trash Receptacles			
7	Stone Seat wall (3' H X 2' W)			
8	Conc Slab (5" with #4 reinforced)			
9	Removal of Grass			
	<b>Demo at Mech Room</b>			
1	House keeping pad + conc SOG			
2	Salvage Heater			
3	Storage cabinet			
4	Wading pool pump + grates			
5	Control Monitor + wading pool probe sensor cabinet			
6	Demo for Electric scope (saw cut/ any demo)			
7	Any Misc demo			
<b>3)</b>	<b>Division 3 - Concrete</b>	\$246,000.00	ACS	
1	Const Balance tank 6'6"X10' (12" thick bottom, 8" thick top slab, water stops, 12" wall)			
2	8" conc slab for Splash Pad (anti skip)			
3	Ped Conc slab			
4	Pump Pit			
5	Conc slab Around Pump Pit - Mechanical room			
6	Raised concrete slab at Sand Pit			
<b>5)</b>	<b>Metals</b>	\$81,200.00		
1	Shade Structure (USA Shade - includes furnishing and installation):		Zoom Recreation	2.30%
2	Steel Beams		ACS	
3	Fiberglass Grate - Mechanical Room		ACS	
<b>8)</b>	<b>Openings</b>	\$19,800.00	ACS	
1	Maintanance Gate - 6' Height			
2	Ornamental Fence Panel - 1 Panel			
3	Ornamental Gate - Self closing			
<b>22)</b>	<b>Plumbing, Electrical, Water Play features</b>	\$820,000.00	Hydrology	47.18%
1	6" HDPE Grate			
2	Replace Bracket hardware - Exst 6" HDPE			
3	Plumbing - Waterline and fittings			
	Deleted 2 items			

<b>31)</b>	<b>Earthwork</b>	\$80,000.00	ACS	
1	Grading-Cut, Fill, Compaction, Export			
2	Shoring, Drilling, Caissons, Dewatering			
3	Erosion Control-SWPPP, WPCP, BMPs			
<b>32)</b>	<b>Exterior Improvements</b>	\$76,000.00	ACS	
1	Artificial Turf Installation			
	<b>GRAND TOTAL</b>	<b>\$1,738,000.00</b>		

GC Scope of work	\$873,000.00	50.23%
Subs Scope of work=	\$865,000.00	49.77%



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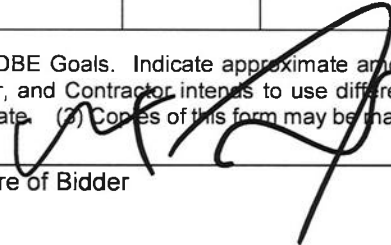
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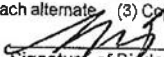
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Fencing	1	1%	All League Fence Co 1831 Sonora Ave, San Bernardino, CA 92404	CSLB: 986316 DIR: 1000018901	No	N/A	1%
Turf	1	2%	Bitright Turf PO Box 1627 Temecula, CA 92592	CSLB: 1016328 DIR: 1000041367	No	N/A	2%
Splash Pad Surfacing	1	2%	Inside Edge Commercial Interior Service, LLC 2700 Blue Water Rd, Suite 400 Eagan, MN 55121	CSLB: 1051554 DIR: 1000536764	No	N/A	2%

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**COMMUNITY RECREATION CENTER SPLASH PAD & SUN SHADE**  
**PROJECT NO. PW21-07 (REBID)**

**PRIME CONTRACTOR:** Armstrong Cal Builders Inc

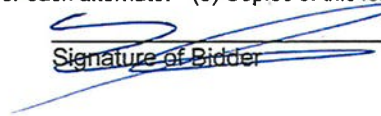
**PRIME CONTRACTOR DBE?:** YES  NO

As required by California State Law and in conformance with Title 49 of US Code of Regulations, Part 26, the General Contractor bidding will hereinafter state the subcontractor who will be the subcontractor on the job for each particular trade or subdivision of the work. **ALL SUBCONTRACTORS REGARDLESS OF DOLLAR VALUE SHALL BE LISTED.** The General Contractor shall state the firm name and principal location of the mill, shop, or office of each. If a General Contractor fails to specify a subcontractor, or if the General Contractor specifies more than one subcontractor for the same portion of work to be performed under the Contract in excess of one-half of one percent, the General Contractor agrees that it is fully qualified to perform that portion and that it shall perform that portion.

REGISTRATION WITH THE DEPARTMENT OF INDUSTRIAL RELATIONS. The Bidder's attention is directed to Labor Code Section 1725.5, which provides that a contractor or subcontractor shall not be qualified to bid on, be listed in a Bid proposal, subject to the requirements of Public Contract Code Section 4104, or engage in the performance of any contract that is subject to Labor Code Section 1720 et seq., unless currently registered and qualified to perform public work pursuant to Labor Code Section 1725.5. This project is subject to compliance monitoring and enforcement by the Department of Industrial Relations.

DIVISION OF WORK OR TRADE	BID ITEM NUMBER	PERCENT OF BID ITEM	NAME & ADDRESS OF SUBCONTRACTOR	LICENSE NO. OF SUBCONTRACTOR /DIR REGISTRATION NO.	CERTIFIED DBE (YES OR NO)	LAST YEAR'S GROSS RECEIPTS (a)	PERCENT OF TOTAL BID
Pre-Engineered Shade Structure	1	4%	Shade Structures, Inc, 1085 N. Main Street, Suite C	989458/ 1000003533	NO	TO FOLLOW	4%
Electrical	2	3%	Caliba Inc.	LIC# 657694/ DIR# 1000041461	NO	TO FOLLOW	3%
Splash Pad	3	40%	Hydrology	LIC# 1034751 DIR: 1000056013	NO	TO FOLLOW	40%

**Notes:** (1) Used on Federal-aid contracts in conformance with Title 49 CFR 26, for establishing Annual DBE Goals. Indicate approximate amount if under \$1 million, if between \$1 million and \$5 million, if greater than \$5 million. (2) If alternate bids are called for, and Contractor intends to use different or additional subcontractors on the alternates, the Contractor must provide a separate list of subcontractors for each alternate. (3) Copies of this form may be made if necessary.

  
Shawn Salah  
Signature of Bidder