



County of Fresno  
2220 Tulare St., 6<sup>th</sup> Floor  
Fresno, CA 93721

**May 6, 2021**  
Sent Via: E-mail  
Phone: 559-600-9908

**RE:** Bid Protest

**Subject:** Contract 20-20-C American Avenue and Golden State Blvd Intersection Improvements

To Whom it Concern,

Please accept this letter as Avison Construction's protest to the subject bid that opened on May 6, 2021. AJ Excavation was deemed to be the apparent low bidder but neglected to submit their bid bond to the County prior to bid time. The Notice to Bidders as well as Section 2.133D Electronic Bid Document Completion states that an original bid bond must be submitted prior to the bid opening. Furthermore, the BidExpress system requires a bidder to make a statement saying, "I have provided a Paper Bid Bond for the Bid Security Amount above prior to the solicitation deadline". The County even went so far as to send a reminder email to all bidders on Monday 5/3/2021 as to remind them to submit their bid bond prior to the deadline.

We understand the County began utilizing the online bidding platform during the COVID-19 State of Emergency in early 2020 and has stated that they can request the Board of Supervisors consider exercising discretion in allowing the irregularity. At this point, the system has been live for over one year and the County of Fresno has lifted the State of Emergency so we believe the County should not consider this an irregularity. If all other six bidders were able to successfully submit the appropriate documents prior to the deadline, AJ Excavation should have been able to as well and their bid should be deemed non-responsive and the project should be awarded to the next lowest responsive bidder.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Short", with a long horizontal flourish extending to the right.

Curtis Short  
[cshort@avisoninc.com](mailto:cshort@avisoninc.com)