

General Engineering ♦ Commercial & Residential
DIR Reg. #1000009471
Certified WBE (CPUC VON: 9LS00170)



Item #12
7-12-22
Heavy Equipment Rental ♦ Grading & Paving
Contractor's State License #873800

July 8, 2022

County of Fresno
Department of Public Works and Planning
2220 Tulare Street, Suite 720
Fresno, CA 94510 9372-2106
Sent Via Email: designservices@fresnocountyca.gov

Project: American Avenue Shoulder Improvements. #4510/7370
Re: Response to Bid Protest Letter

To Whom It May Concern,

I have read the letter from Yarbs' Attorney, Doerksen Taylor, and have the understanding from that letter that Mr. Charles Doerksen believes that Tanney Transport is not only selling the asphalt material to Yarbs Grading and Paving, as listed in their bid documents, but Tanney Transport is also transporting this same material to the project, which Yarbs has failed to list. The only mention of transporting this asphalt material is within the letter from Mr. Doerksen, which Cal Valley agrees is a condition needed to qualify Tanney Transport as a bulk asphalt supplier for this project. This delivery is noted within Mr. Doerksen's letter where he mentioned "...that Tanney Transport regularly purchases material such as asphalt and HMA on its account, and sells it to contractors such as Yarbs **and in so doing delivers the material with its own equipment.**"

If Yarbs listed Tanney for Buy **and Haul** there would be no uncertainty. Their failure to do so makes their bid non-responsive. If the County awards the project to Yarbs, it could be jeopardizing receipt of federal funds and perhaps more concerning, it could set a precedent that would be used by contractors on future bids.

Cal Valley does not intend to pursue this issue in any legal proceeding. It is up to the County to manage the Federal requirements, not Cal Valley.

Thank you for your careful consideration of our concerns and we look forward to your determination in this matter.

Kind Regards,

Tony Storelli

Tony Story
Secretary