



**CITY OF
HERMOSA BEACH**
Public Works

September 8, 2025

SUBJECT: CIP 619 – Kelly Courts Improvements Project

To Oppenheimer National,

The City of Hermosa Beach (“City”) is in receipt of your correspondence dated September 4, 2025. Said correspondence fails to demonstrate that your firm is a responsible bidder for this contract, and therefore the City intends to proceed with the second lowest bidder.

Public Contract Code section 1103 provides (underline added):

“Responsible bidder,” as used in this part, means a bidder who has demonstrated the attribute of trustworthiness, as well as quality, fitness, capacity, and experience to satisfactorily perform the public works contract.

Your firm has not made such showing. First, your firm does not meet the experience requirements stated in the Contract Documents (underline added):

The Contractor shall have a minimum of five (5) projects of similar type of construction and magnitude with other public agencies within the past five (5) years. The Contractor shall have been in the business under the same name and California Contractor’s License for a minimum of five (5) continuous years prior to the bid opening date for this project.

City staff determined that such experience is necessary to demonstrate responsibility. That determination is clearly not arbitrary and is a valid exercise of legislative discretion. (*Mike Moore's 24-Hour Towing v. City of San Diego* (1996) 45 Cal.App.4th 1294, 1303).

Notably, your correspondence quoted the first sentence while denying the substance of the following sentence. Such omission does the opposite of supporting your firm’s position.

The protest period, like all public works laws, (*Judson Pacific-Murphy Corp. v. Durkee* (1956) 144 Cal.App.2d 377, 383), is for the benefit of the City not the benefit of bidders. It is not binding on the City to preclude rejecting a bid.

As for your firm’s interpretation of the California Public Records Act and the bidding documents, such interpretation is both wrong and contrary to law. (*Michaelis, Montanari & Johnson v. Superior Court* (2006) 38 Cal.4th 1065).

Sincerely,

Laney Wilson
Associate Engineer

C: Saad Malim, City Engineer