

# ENVIRONMENTAL CONSTRUCTION, INC.

General Engineering Contractors  
21550 Oxnard Street, Suite 1060  
Woodland Hills, CA 91367

July 25, 2018

Meg McWade, Public Works Director  
City of Pomona  
505 South Garey Avenue  
Pomona, CA 91766

Re: Phil and Nell Soto Park (Project No. 428-2590-71040)

Dear Ms. McWade:

Environmental Construction, Inc. ("ECI") hereby protests the bids submitted by CEM Construction Corporation and by California Landscape & Design, Inc. on June 27, 2018 for the above-noted project. Both firms submitted non-responsive bids. Accordingly, the project should be awarded to ECI, the lowest responsive, responsible bidder.

## **CEM Construction Corporation's Non-Responsive Bid**

CEM Construction Corporation ("CEM") submitted a non-responsive bid proposal. CEM did not notarize its Noncollusion Affidavit. The affidavit form required that bidders affix both a notary seal and a certificate of acknowledgment. CEM had the form stamped by a notary but did not affix a certificate of acknowledgment. See Attachment 1. Civil Code Section 1189 requires that a notary's certificate of acknowledgment include specific language. See Attachment 2. Government Code Section 8202(b) requires that a sworn affidavit be acknowledged with a notary's jurat that includes specific language. See Attachment 3. CEM did not comply. Public contract bids are invalid without a sworn non-collusion affidavit. Public Contract Code Section 7106. Because CEM did not notarize its Noncollusion Affidavit, its bid is non-responsive and should be rejected as such.

CEM provided false information on its submitted Information Required of Bidders form. When asked to list the names and titles of all corporate officers, CEM identified Jesus Carrillo as President and Secretary; and identified Emigdio Carrillo as Vice President and Treasurer. See Attachment 4. In fact, CEM's filings with the California Secretary of State show that Emigdio Carrillo is CEM's Secretary, not Jesus Carrillo, and that Jesus Carrillo is CEM's CFO. See Attachment 5. Because it submitted false corporate information in its bid proposal, CEM's bid is non-responsive and should be rejected as such.

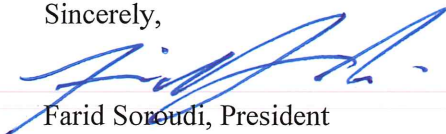
CEM did not complete the "Contractor as Claimant or Plaintiff" portion of its submitted Questionnaire form. The form asked two (2) questions about each bidder's history of initiating litigation against project owners. CEM did not answer either question. See Attachment 6. Because it did not answer all questions in the Questionnaire portion of its bid proposal, CEM's bid is non-responsive and should be rejected as such.

## **California Landscape & Design, Inc.'s Non-Responsive Bid**

California Landscape & Design, Inc. ("CLD") submitted a non-responsive bid proposal. CLD listed Carrillo Electric, Inc. as its electrical subcontractor. See Attachment 7. Carrillo Electric is not registered with the California Department of Industrial Relations. See Attachment 8. Because it listed an electrical contractor without an active DIR registration, CLD's bid is non-responsive and should be rejected as such.

Because CEM Construction Corporation and California Landscape & Design, Inc. submitted non-responsive bids, both bids should be rejected as such and the project should be awarded to ECI, the lowest responsive, responsible bidder.

Sincerely,



Farid Sorooudi, President

Attachments

# Attachment 1

# NONCOLLUSION AFFIDAVIT

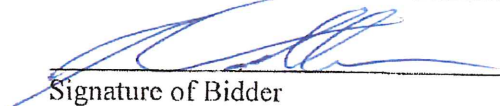
(To Be Executed By Bidder and Submitted With Bid)

State of CA )  
County of Los Angeles ) ss.

Jesús Carrillo, being first duly sworn, deposes and says that he or she is President of SCS the party making the foregoing bid; that the bid is not made in the interest of or on behalf of any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid; has not directly or indirectly colluded, conspired, connived or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and, further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.

CEM construction corp

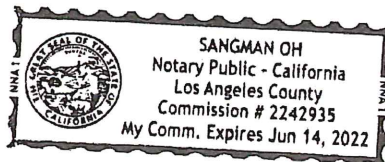
Jesús Carrillo<sup>SC</sup> Jesús Carrillo

  
Signature of Bidder

Subscribed and sworn to before me this

27 day of June, 2018.

NOTARY TO AFFIX  
SEAL AND CERTIFICATE OF  
ACKNOWLEDGMENT



# Attachment 2



**State of California**

**CIVIL CODE**

**Section 1189**

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1189. (a) (1) Any certificate of acknowledgment taken within this state shall include a notice at the top of the certificate of acknowledgment in an enclosed box stating: "A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document." This notice shall be legible.

(2) The physical format of the boxed notice at the top of the certificate of acknowledgment required pursuant to paragraph (3) is an example, for purposes of illustration and not limitation, of the physical format of a boxed notice fulfilling the requirements of paragraph (1).

(3) A certificate of acknowledgment taken within this state shall be in the following form:

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California        )  
County of \_\_\_\_\_

On \_\_\_\_\_ before me,  
(here insert name and title of the officer),  
personally appeared \_\_\_\_\_,  
who proved to me on the basis of  
satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that  
he/she/they executed the same in his/her/their authorized  
capacity(ies), and that by his/her/their signature(s) on the  
instrument the person(s), or the entity upon behalf of which the  
person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of  
California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)

(4) A notary public who willfully states as true any material fact that he or she knows to be false shall be subject to a civil penalty not exceeding ten thousand dollars (\$10,000). An action to impose a civil penalty under this subdivision may be brought by the Secretary of State in an administrative proceeding or any public prosecutor in superior court, and shall be enforced as a civil judgment. A public prosecutor shall inform the secretary of any civil penalty imposed under this section.

(b) Any certificate of acknowledgment taken in another place shall be sufficient in this state if it is taken in accordance with the laws of the place where the acknowledgment is made.

(c) On documents to be filed in another state or jurisdiction of the United States, a California notary public may complete any acknowledgment form as may be required in that other state or jurisdiction on a document, provided the form does not require the notary to determine or certify that the signer holds a particular representative capacity or to make other determinations and certifications not allowed by California law.

(d) An acknowledgment provided prior to January 1, 1993, and conforming to applicable provisions of former Sections 1189, 1190, 1190a, 1190.1, 1191, and 1192, as repealed by Chapter 335 of the Statutes of 1990, shall have the same force and effect as if those sections had not been repealed.

(Amended by Stats. 2014, Ch. 197, Sec. 1. (SB 1050) Effective January 1, 2015.)

# Attachment 3

State of California

GOVERNMENT CODE

Section 8202

8202. (a) When executing a jurat, a notary shall administer an oath or affirmation to the affiant and shall determine, from satisfactory evidence as described in Section 1185 of the Civil Code, that the affiant is the person executing the document. The affiant shall sign the document in the presence of the notary.

(b) To any affidavit subscribed and sworn to before a notary, there shall be attached a jurat that includes a notice at the top, in an enclosed box, stating: "A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document." This notice shall be legible.

(c) The physical format of the boxed notice at the top of the jurat required pursuant to subdivision (d) is an example, for purposes of illustration and not limitation, of the physical format of a boxed notice fulfilling the requirements of subdivision (b).

(d) A jurat executed pursuant to this section shall be in the following form:

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of \_\_\_\_\_

Subscribed and sworn to (or affirmed) before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Seal \_\_\_\_\_

Signature \_\_\_\_\_

(Amended by Stats. 2014, Ch. 197, Sec. 3. (SB 1050) Effective January 1, 2015.)

# Attachment 4



**INFORMATION REQUIRED OF BIDDERS**

**The bidder is required to supply the following information.**

(Additional sheets may be attached if necessary.)

- (1) Address: 8207 Brookgreen RD Downey CA 90240
- (2) Telephone: 562 659-8213
- (3) Type of Firm: corporation

Individual, Partnership, or Corporation

- (4) Corporation organized under the laws of the State of: CA
- (5) Is 51% or more of the business owned by: American Indian ( ), Asian ( ), Black ( ), Hispanic ☒, Female ( ), Other (Specify) \_\_\_\_\_.
- (6) List the names and addresses of all members of the firm or names and titles of all officers of the corporation.
- (7) Number of years experience as a Contractor in construction work. 8

→ President and Secretary: Jesus Carrillo

Vice President and Treasurer: Emigdio Carrillo

# Attachment 5



# State of California Secretary of State

**S**

## Statement of Information

(Domestic Stock and Agricultural Cooperative Corporations)

FEES (Filing and Disclosure): \$25.00.

If this is an amendment, see instructions.

**IMPORTANT – READ INSTRUCTIONS BEFORE COMPLETING THIS FORM**

**FK56010****FILED**

In the office of the Secretary of State  
of the State of California

**MAR-21 2017****1. CORPORATE NAME**

CEM CONSTRUCTION CORPORATION

**2. CALIFORNIA CORPORATE NUMBER**

C3256171

This Space for Filing Use Only

**No Change Statement** (Not applicable if agent address of record is a P.O. Box address. See instructions.)

**3. If there have been any changes to the information contained in the last Statement of Information filed with the California Secretary of State, or no statement of information has been previously filed, this form must be completed in its entirety.**

☐ If there has been no change in any of the information contained in the last Statement of Information filed with the California Secretary of State, check the box and proceed to **Item 17**.

**Complete Addresses for the Following** (Do not abbreviate the name of the city. Items 4 and 5 cannot be P.O. Boxes.)

4. STREET ADDRESS OF PRINCIPAL EXECUTIVE OFFICE	CITY	STATE	ZIP CODE
8207 BROOKGREEN RD, DOWNEY, CA 90240			
5. STREET ADDRESS OF PRINCIPAL BUSINESS OFFICE IN CALIFORNIA, IF ANY	CITY	STATE	ZIP CODE
8207 BROOKGREEN RD, DOWNEY, CA 90240			
6. MAILING ADDRESS OF CORPORATION, IF DIFFERENT THAN ITEM 4	CITY	STATE	ZIP CODE

**Names and Complete Addresses of the Following Officers** (The corporation must list these three officers. A comparable title for the specific officer may be added; however, the preprinted titles on this form must not be altered.)

7. CHIEF EXECUTIVE OFFICER/	ADDRESS	CITY	STATE	ZIP CODE
JESUS EDUARDO CARRILLO	8207 BROOKGREEN RD, DOWNEY, CA 90240			
8. SECRETARY	ADDRESS	CITY	STATE	ZIP CODE
EMIGDIO CARRILLO	8207 BROOKGREEN RD, DOWNEY, CA 90240			
9. CHIEF FINANCIAL OFFICER/	ADDRESS	CITY	STATE	ZIP CODE
JESUS EDUARDO CARRILLO	8207 BROOKGREEN RD, DOWNEY, CA 90240			

**Names and Complete Addresses of All Directors, Including Directors Who are Also Officers** (The corporation must have at least one director. Attach additional pages, if necessary.)

10. NAME	ADDRESS	CITY	STATE	ZIP CODE
JESUS EDUARDO CARRILLO	8207 BROOKGREEN RD, DOWNEY, CA 90240			
11. NAME	ADDRESS	CITY	STATE	ZIP CODE
EMIGDIO CARRILLO	8207 BROOKGREEN RD, DOWNEY, CA 90240			
12. NAME	ADDRESS	CITY	STATE	ZIP CODE

13. NUMBER OF VACANCIES ON THE BOARD OF DIRECTORS, IF ANY: 1

**Agent for Service of Process** If the agent is an individual, the agent must reside in California and Item 15 must be completed with a California street address, a P.O. Box address is not acceptable. If the agent is another corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and Item 15 must be left blank.

14. NAME OF AGENT FOR SERVICE OF PROCESS  
JESUS EDUARDO CARRILLO

15. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL	CITY	STATE	ZIP CODE
8207 BROOKGREEN RD, DOWNEY, CA 90240			

**Type of Business**

16. DESCRIBE THE TYPE OF BUSINESS OF THE CORPORATION  
GENERAL ENGINEERING CONTRACTOR

17. BY SUBMITTING THIS STATEMENT OF INFORMATION TO THE CALIFORNIA SECRETARY OF STATE, THE CORPORATION CERTIFIES THE INFORMATION CONTAINED HEREIN, INCLUDING ANY ATTACHMENTS, IS TRUE AND CORRECT.

03/21/2017	ELISA FAVELA	OFFICE ADMIN	
DATE	TYPE/PRINT NAME OF PERSON COMPLETING FORM	TITLE	SIGNATURE





# State of California Secretary of State

**S**

## Statement of Information

(Domestic Stock and Agricultural Cooperative Corporations)

**FEES (Filing and Disclosure): \$25.00.**

**If this is an amendment, see instructions.**

**IMPORTANT – READ INSTRUCTIONS BEFORE COMPLETING THIS FORM**

**FW11159****FILED**

In the office of the Secretary of State  
of the State of California

**APR-19 2018****1. CORPORATE NAME**

CEM CONSTRUCTION CORPORATION

**2. CALIFORNIA CORPORATE NUMBER**

C3256171

This Space for Filing Use Only

**No Change Statement** (Not applicable if agent address of record is a P.O. Box address. See instructions.)

**3. If there have been any changes to the information contained in the last Statement of Information filed with the California Secretary of State, or no statement of information has been previously filed, this form must be completed in its entirety.**

☒ If there has been no change in any of the information contained in the last Statement of Information filed with the California Secretary of State, check the box and proceed to Item 17.

**Complete Addresses for the Following** (Do not abbreviate the name of the city. Items 4 and 5 cannot be P.O. Boxes.)

4. STREET ADDRESS OF PRINCIPAL EXECUTIVE OFFICE	CITY	STATE	ZIP CODE
5. STREET ADDRESS OF PRINCIPAL BUSINESS OFFICE IN CALIFORNIA, IF ANY	CITY	STATE	ZIP CODE
6. MAILING ADDRESS OF CORPORATION, IF DIFFERENT THAN ITEM 4	CITY	STATE	ZIP CODE

**Names and Complete Addresses of the Following Officers** (The corporation must list these three officers. A comparable title for the specific officer may be added; however, the preprinted titles on this form must not be altered.)

7. CHIEF EXECUTIVE OFFICER/	ADDRESS	CITY	STATE	ZIP CODE
8. SECRETARY	ADDRESS	CITY	STATE	ZIP CODE
9. CHIEF FINANCIAL OFFICER/	ADDRESS	CITY	STATE	ZIP CODE

**Names and Complete Addresses of All Directors, Including Directors Who are Also Officers** (The corporation must have at least one director. Attach additional pages, if necessary.)

10. NAME	ADDRESS	CITY	STATE	ZIP CODE
11. NAME	ADDRESS	CITY	STATE	ZIP CODE
12. NAME	ADDRESS	CITY	STATE	ZIP CODE

13. NUMBER OF VACANCIES ON THE BOARD OF DIRECTORS, IF ANY:

**Agent for Service of Process** If the agent is an individual, the agent must reside in California and Item 15 must be completed with a California street address, a P.O. Box address is not acceptable. If the agent is another corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and Item 15 must be left blank.

14. NAME OF AGENT FOR SERVICE OF PROCESS

15. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL	CITY	STATE	ZIP CODE
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**Type of Business**

16. DESCRIBE THE TYPE OF BUSINESS OF THE CORPORATION

17. BY SUBMITTING THIS STATEMENT OF INFORMATION TO THE CALIFORNIA SECRETARY OF STATE, THE CORPORATION CERTIFIES THE INFORMATION CONTAINED HEREIN, INCLUDING ANY ATTACHMENTS, IS TRUE AND CORRECT.

04/19/2018

ELIA CARRILLO

OFFICE ADMIN

DATE

TYPE/PRINT NAME OF PERSON COMPLETING FORM

TITLE

SIGNATURE

# Attachment 6



Has the bidder, any officer of the bidder, or any employee of the bidder who has a proprietary interest in the bidder, ever been sued by a subcontractor or material supplier for default on a contract? \_\_\_Yes  
XNo

If yes, provide a description of the case, the court location, case number and the outcome for each lawsuit.

N/A

During the past 5 years, has the bidder, any officer of the bidder, or any employee of the bidder who has a proprietary interest in the bidder, been a defendant in any professional related lawsuit besides those described in the paragraphs above? \_\_\_Yes XNo

If yes, provide a description of the case, the court location, case number and the outcome for each lawsuit.

N/A

#### Contractor as Claimant or Plaintiff

Has the bidder, any officer of the bidder, or any employee of the bidder who has a proprietary interest in the bidder, ever filed a claim against an "owner" (including any public agency owner) or a bonding company insuring an "owner" for any claims arising under any contract? \_\_\_Yes \_\_\_No

If yes, provide details as to the nature, date and resolution of any such claim.

N/A

Has the bidder, any officer of the bidder, or any employee of the bidder who has a proprietary interest in the bidder, ever filed a lawsuit against an "owner" (including any public agency owner) or a bonding company insuring an "owner" for any disputes arising under any contract? ? \_\_\_Yes \_\_\_No  
If yes, provide a description of the case, the court location, case number and the outcome for each lawsuit.

#### Binding Arbitration

Has the bidder, any officer of the bidder, or any employee of the bidder who has a proprietary interest in the bidder, ever had to submit to binding arbitration to resolve a dispute arising from a contract?  
\_\_\_Yes XNo

If yes, what were the circumstances and outcome of such arbitration?

N/A

# Attachment 7

### DESIGNATION OF SUBCONTRACTORS

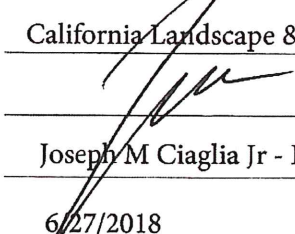
In compliance with the Subletting and Subcontracting Fair Practices Act of the Public Contract Code of the State of California, each bidder shall provide: (a) the name, location of the place of business and California Contract License Number and (b) the work to be performed by each subcontractor who will perform work or labor or render service to the Contractor in or about the construction of the work in an amount in excess of one-half of one percent (1/2%) of the Contractor's Total Bid Price. Notwithstanding the foregoing, if the work involves streets and highways, then the Contractor shall list each subcontractor who will perform work or labor or render service to Contractor in or about the work in an amount in excess of one-half of one percent (1/2%) of the Contractor's Total Bid Price or \$10,000, whichever is greater. No additional time shall be granted to provide the below requested information.

If no subcontractor is specified, for a portion of the work, or if more than one subcontractor is specified for the same portion of Work, to be performed under the Contract in excess of one-half of one percent (1/2%) of the Contractor's Total Bid Price or \$10,000, whichever is greater if the work involves streets or highways, then the Contractor shall be deemed to have agreed that it is fully qualified to perform that Work, and that it shall perform that portion itself.

Work To Be Performed:	Subcontractor and License No.	DIR Number	Location of Business	% of the Work
TEMP. FENCE, T.S. FENCE & HANDRAILS (#40, #75, #76)	DUNN'S FENCE CO. # 988434	1000009442	BALDWIN PARK, CA	2.7%
HYDROSEEDING (#129)	HYDROSPRINT INC. # 582303	1000005171	ESCONDIDO, CA	0.1%
ELECTRICAL - PARTIAL (#97 THRU #103)	CARRILLO ELECTRIC INC. # 949629	1000020374	SAN BERNARDINO, CA	3.1%
ROUGH CARPENTRY (PARTIAL FOR #77, #78, #79)	ROBERT'S CONSTRUCTION # 755724	1000001529	NORCO, CA	5.1%
INTERPRETIVE PANEL (#91)	BRAND SIGN & DESIGN INC. # 641391	1000006083	ANIMHEIM, CA	1.4%

The total percentage of the work performed by all subcontractors shall not exceed fifty percent (50%) of the total bid amount.

Name of Bidder California Landscape & Design Inc

Signature 

Name and Title Joseph M Ciaglia Jr - President

Date 6/27/2018

Contractor DIR # 1000014663

# Attachment 8

**Public Works Contractor (PWC) Renewal Search**

Please enter at least one search criteria.

**PWC Registration  
Number**

**Contractor Legal Name**

One registered contractor found.1

PWC Registration Number	Contractor Legal Name	PWC Registration Status	Renew for...
1000020374	CARRILLO ELECTRIC, INC.	Expired	<b>Fiscal Year 2018 / 19</b>