

Orozco, Norma

From: Curt McCalla <CMcCalla@swpdinc.com>
Sent: Tuesday, July 18, 2023 3:31 PM
To: eComment
Cc: Kevin Gallagher; Brian Jeffers
Subject: Agenda Item No. 18 - City Council & Special Housing Authority Meeting Agenda - Regular Open Meeting 5:45 PM

South West Pump and Drilling Inc. (SWPD) disagrees with the city's intent to award the Washington street well project to the second low bidder Best Drilling and intend to have our attorney determine our rights. On 4/26/2023 the city of Santa Ana received from SWPD Inc its bid bond for the Washington street well bid. On 4/27/2023, before 2:00 pm South West Pump & Drilling, Inc. submitted its bid to the city of Santa Ana for the Washington street well project. South West Pump & Drilling, Inc. received confirmation from Planet bids the cities bid service provider, its bid had been received. Immediately after 2:00 pm the bid results from planet bids showed that South West Pump & Drilling, Inc's. bid was the low bid. South West Pump & Drilling, Inc. received congratulations from venders and competitors.

4/28/2023 South West Pump & Drilling, Inc. placed a call to the City of Santa Ana to collect further confirmation of the bid results. South West Pump & Drilling, Inc. left a voice mail to this effect. No response or return call from the City of Santa Ana to South West Pump & Drilling, Inc. occurred. 4/29/2023 South West Pump & Drilling, Inc. once again reached out to the City of Santa Ana for confirmation and left a second voice mail. Again, no response or return phone call was received from the City of Santa Ana. 05/01/2023 – UPS delivered hard copies of the bid documents to the City of Santa Ana at 10:21 AM no call no e-mail no response concerning our inquiry. Nearly a month after the bid, 5/25/2023 SWPD sent an email to the city to please confirm the bid results and let us know what processes we need to prepare and begin the contracting process. SWPD reached out to the City of Santa Ana's consultant for the project, Richard Slade and Associates, a consultant South West Pump & Drilling, Inc has worked with numerous times in the past. They too had no contact or communications from the City of Santa Ana's staff concerning the bid.

05/31/2023 – Voicemail delivered to Brian Jeffers @ 9:54 AM stated that SWPDINC was non-responsive. The city provided no proof, no documentation, no email sent to sales@swpdinc.com (the email address on file in PlanetBids). As fate would have it Mr. Jeffers was out with medical issues.

Had the City done its due diligence to inform SWPD in a timely manner reasonable manner and within public works norms and allowed SWPD to demonstrated its submission was complete and SWPD would be awarded this project. The fact that SWPD's bid was not protested suggests this is true. The city is failing in its duty to provide its constituents the best product for the best price. No communication from the city, no bid protest, no rejected / returned bid notification. There has been no indication, nor any evidence provided to SWPD Inc. that it is not the low and responsive bidder.

The notice inviting bids states (page vii), Failure to provide required documents with Bid may cause the bid to be deemed non-responsive. Use of the word "may" implied that the City has a choice whether to deem a bidder non-responsive or possibly the opportunity to review the documents and processes with the apparent low bidder, to determine the responsiveness. However, SWPD was not afforded any such courtesy. Once we hit send, using a service the cities directed the bidders to use, it is SWPD Inc's position it become the city's responsibility to ensure all documents are received. SWPD has no ability to see what is or is not received after we hit send.

The Instructions to Bidders for Proposal Submission (page x) states It is the BIDDER'S responsibility to ensure submittal of their Proposal on PlanetBids. The Bidders don't have control over PlanetBids and it is impossible for the Bidder to ensure submittals through the electronic submittal process.

SWPD had a competitor inquire with SWPD one week ago, that they had heard the second low bidders bid was being considered for award of the project.

SWPD once again reached out to the city. No response. On 7/15/2023 SWPD received a call that its bid was non responsive. We were shocked and provided the uploaded packet to the city. If the city received our numbers which were published it received the whole package. In planet bids, the city's service provider you upload your bid package and hit send one time. It's now in the care custody and control of the cities vender and by extension the city. As stated earlier there was no bid protest against SWPD's bid to the city from a competitor, no statement our bid had errors or was not complete.

The lack of communication and transparency is shocking and should not stand. SWPD's bidders rights have been disregarded and usurped by the city due to its non responsiveness to SWPD Inc's 4/28/2023 and 4/29/2023 timely inquiry to the city. The city needs to award the Washington street well project to the rightful low bidder SWPD Inc.

On today's Meeting Agenda, it is stated that this meeting would Adjourn in memory of Robert McCalla, who recently passed away. Robert McCalla was the president of McCalla Brother Pump and Drilling Inc. which was located on the family farm at First and Harbor. McCalla Bros. was founded by my Grandfather David McCalla in 1938. Robert McCalla and my father Dan McCalla grew McCalla Bros. of Santa Ana to become one of the most successful water drilling and pump service companies in California and the country. Robert McCalla and Dan McCalla orchestrated the sale of McCalla Bros. in 1988 to an international firm Layne Western. South West Pump and Drilling Inc. is an outgrowth of McCalla Bros. Pump and Drilling, Robert served on our board of director for 25 years.

We would like to take a moment to thank the City of Santa Ana for acknowledging our Family Member, who has enjoyed a 94-year relationship with the City of Santa Ana. One of Roberts great achievements was the building of the new Santa Ana Elks lodge.

Thank you for your time and consideration

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