

VIA facsimile (415-715-6748) and US Mail

May 28, 2013

Mr. Seosamh P. O'Brian
Ace Drilling and Excavation, Inc.
1612 Noriega Street
San Francisco, CA 94122



Re: Municipal Transportation Agency Contract No. 1277
Third Street Light Rail Program Phase 2 - Central Subway
Pagoda Palace Demolition

Dear Mr. O'Brian:

The San Francisco Municipal Transportation Agency has reviewed your bid for the above referenced contract and has found it to be non-responsive to the bidding requirements. Your bid failed to include a properly executed and notarized Bid Bond as defined in Section 1.01 of the General Provisions to the Bid Documents.

Section 1.02 (I) of the General Provisions state:

- I. Surety Bond or Certified Check Must Accompany Proposal. The Proposal shall be accompanied by a corporate surety bond in the form herein set forth, or by a certified check on a solvent bank of the State of California, payable on sight to the City and County of San Francisco, the amount of which shall not be less than 10 percent of the total amount bid for the proposed work or improvement. **THE SFMTA WILL NOT CONSIDER A PROPOSAL UNLESS IT IS ACCOMPANIED BY SUCH BOND OR CHECK.**



Edwin M. Lee, *Mayor*
Tom Nolan, *Chairman*
Cheryl Brinkman,
Vice-Chairman
Leona Bridges, *Director*
Malcolm Heinicke, *Director*
Jerry Lee, *Director*
Joél Ramos, *Director*
Cristina Rubke, *Director*
Edward D. Reiskin
Director of Transportation

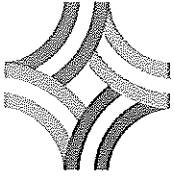
The Instructions for Preparation and Execution of Forms, Agreement and Bonds, Section II (e) state:

- (e) Bond Accompanying Bid (Page 5).
This form must be executed by the Bidder and the corporate surety issuing the bond unless the Bid is accompanied by a certified check for an amount of at least 10% of the Total Bid Price. The Bid Bond must be notarized. Bid Security, whether a Bid Bond or a Certified Check, must accompany the Bid.

The Bid Bond form submitted with your bid did not indicate an amount nor was it executed or notarized by a surety.

The City and County of san Francisco Administrative Code, Section 6.21 (A) (4) also states in part:

One South Van Ness Avenue
Seventh Floor
San Francisco, CA 94103
Tele: 415.701.4500
www.sfmta.com



Mr. Seosamh P. O'Brien
May 28, 2013
Page 2

- (4) **Bid Bond.** All bids in excess of \$25,000.00 shall be accompanied by a corporate surety bond, or an irrevocable letter of credit on a bank or trust company doing business and having an office in the State of California

Accordingly, we must reject your bid as non-responsive and withdraw it from further consideration. Thank you for submitting a bid for this contract, and we look forward to your participation in our future contracts.

Sincerely,

Shahnam Farhangi
Deputy, Contract Administration
Capital Programs and Construction

cc: John Funghi
Rob Stone
Virginia Harmon
Brian Kelleher
Rich Redmond
Jane Wang
Mathew Huey, MH Construction Management Co.
File M544.1.1277.00.320