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December 15, 2009

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VIA U.S. MAIL & E-MAIL (DKS@JSMF.COM)

Dan K. Siegel, Esq.
Jorgenson, Siegel, McClure & Flegel, LLP
1100 Alma Street, Suite 210
Menlo Park, CA 94025-3392

RE: Plans and Specifications Number R-6821 for Furnishing Citywide Bike Parking
Equipment in the City of Long Beach, California

Dear Mr. Siegel:

In response to your letter dated December 10, 2009, objecting to the bid submitted by Dero Bike Racks, the City of Long Beach Public Works Department has performed an investigation of the issues and has found no reason to reject the Bid submitted by Dero Bike Racks per the enclosed memorandum from Mark Christoffels, City Engineer/Deputy Director of Public Works.

Thank you for your continued interest in this project. Should you have any questions regarding Public Works Department's review of this matter, please contact Mark Christoffels at (562) 570-6771.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By:


LINDA TRANG
Deputy City Attorney

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Enclosure

cc: Robert E. Shannon, Long Beach City Attorney (via e-mail only)
Heather A. Mahood, Long Beach Assistant City Attorney (via e-mail only)
Mark Christoffels, Long Beach Department of Public Works (via e-mail only)
Sumire Gant, Long Beach Department of Public Works (via e-mail only)



Date: December 14, 2009

To: Linda Trang, Deputy City Attorney

From: Mark Christoffels, City Engineer/Deputy Director of Public Works *MC*

Subject: Letter Dated December 10, 2009, from Jorgenson, Siegel, McClure & Flegel, LLP representing BikeArc's request to the City Council to not award R-6821 City Wide Bike parking Equipment to the low bidder Dero Bike Racks

In reviewing the above referenced letter, I have determined that the request to not award the contract is not valid and should be administratively denied on the following basis:

In accordance with the bid specifications under the section entitled "protest procedures", it clearly states that only a bidder may protest, and that any protest must be filed with the Director of Public Works within five (5) business days following the date on which bids were opened. The letter was not received within this stipulated time period, and furthermore, was not from, or representing, a bidder for this project.

As for the claim that the low bidder was not responsive, City staff have reviewed the project specifications to the product offered by the low bidder and have determined that it does meet the criteria set forth in the project specifications.

If you have any questions regarding staff's review of this matter, please contact me at extension 86771.

P/engineering/ce/mark/memos/cip/R6821 award protest