



Tosted Asphalt, Inc
PO Box 27014
Fresno, CA 93729
CSLB# 959499
DIR# 1000024478

January 28, 2025

City of Fresno
Capital Projects Department
State Center Warehouse Building
747 "R" St, 2nd Floor
Fresno, CA 93721

Attn:

Kelly Yost, Construction Manager
Joshua Rhodes, Assistant Director
David Boogaard, Assistant Construction Manager
Richard Stockwell, Chief Inspector
Robert D. Cron Sr, Senior Inspector
Jason Bairos, Engineering Inspector
Harlav Brar, Project Manager

PROJECT: ROTARY EAST PICKLEBALL COURTS
PROJECT ID: PC00358

SUBJECT: RESPONSE TO: SUBSTITUTION OF SUBCONTRACTOR – TOSTED ASPHALT INC. (Notice delivered to and received by Tosted Asphalt on Monday, January 27th, 2025)

Harris Development Corp. dba HBC Enterprises (HBC), the prime contractor, has requested to remove our firm as a subcontractor on the above-mentioned project, and substitute for Beynon Sports Surfaces. While Tosted Asphalt poses no objection to the substitution, it shall be noted that the original notice prepared by City of Fresno and the explained reasoning for substitution is incorrect. The notice states:

"HBC asserts that having had reasonable opportunity to do so, your firm has failed or refused to execute a subcontract for the scope of work specified in the subcontractor's bid and at the price specified in the subcontractor's bid construction documents."

The above statement and claim is **false**. Tosted Asphalt has every intent to execute the scope of work at the price provided on our bid documents. HBC failed to include the correct dollar amount on their documents that were presented at the bid opening. HBC did not include Tosted Asphalt's revised quote that was sent to them at twelve ten in the afternoon, two hours and ninety minutes before bid opening. HBC notified Tosted Asphalt that because of the price differential in the number they provided on their bid documents, and the actual price provided by Tosted Asphalt,



their firm would like to substitute another subcontractor that provided a lesser quote for the same scope of work.

Again, while Tosted Asphalt does not object to HBC substituting our firm for another subcontractor, the provided reasoning per the notice sent by City of Fresno, is incorrect.

Tosted Asphalt **has not** failed or refused to execute a subcontract for the scope of work specified at the price provided in our bid documents. HBC has asked that they contract another firm to make-up the discrepancy in pricing provided by *their firm*, on their bid documents.

Please refer to Exhibit "A"

This exhibit provides a copy of the pricing that was provided to HBC at 12:10 PM, 2 hours and 90 minutes before bid opening.

Please refer to Exhibit "B"

This exhibit provides the time stamp of which revised quote was provided and emailed to HBC.

Thank you for your time and attention to this matter.

A handwritten signature in black ink, appearing to read "JP", with a long horizontal flourish extending to the right.

Jose Perez, Owner
Tosted Asphalt, Incorporated

A handwritten signature in black ink, appearing to read "Kristin Perez", with a long horizontal flourish extending to the right.

Kristin Perez, Owner
Tosted Asphalt, Incorporated



Exhibit "A"



Estimate - Exhibit "A"

Date	Estimate #
11/5/2024	12518

P.O. Box 27014 Fresno, Ca 93729-7014
 CSLB #959499 DIR #1000024478
 (559) 441-0137

Name / Address
Rotary East Pickleball 6464 N Cedar Ave Fresno CA 93710

Description	Total
ROTARY EAST PICKLEBALL COURTS - Provide and install (8) pickleball posts and nets.	26,000.00
- Acid wash (8) pickleball courts. - Apply sport master primer, base coat. - Apply two coats of (3) colors of resurfacer on eight pickleball courts.	50,500.00
- Stripe (8) pickleball courts with textured acrylic line paint.	8,500.00
PLEASE REVIEW, SIGN, AND RETURN a copy of this estimate to our office. Upon receipt, we will forward our contract to you for execution. Once completed and returned to us, the work will be scheduled. This estimate is only valid for 30 calendar days. Thank you for your business	
REVISED ESTIMATE	Total \$85,000.00

Print, sign, & date:



RE: ROTARY PICKLEBALL COURT:
SUBSTITUTION OF SUBCONTRACTOR

Exhibit "B"

1/28/25, 11:43 PM

tostedasphalt.com Mail - Revised Estimate 12518 from Tosted Asphalt Inc.



Jose Perez
<junior@tostedasphalt.com>

Revised Estimate 12518 from Tosted Asphalt Inc.

10 messages

junior@tostedasphalt.com

Tue, Nov 5, 2024
at 12:10 PM

<junior@tostedasphalt.com>

To: shayne@tostedasphalt.com

Bcc: rjenkins@americanpavingco.com, cshort@avisoninc.com,

estimating@calibercontracting.net, robathbc@gmail.com,

info@platinumdirtworx.com, zbewick@gmail.com

Dear Customer:

Please review the attached estimate- 12518. Feel free to contact us if you have any questions.

We look forward to working with you.

Sincerely,

Tosted Asphalt, Inc.
Office: 559.441.0137

 **Est_12518_from_Tosted_Asphalt_Inc._12352.pdf**
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