



To: City of Fresno

From: Harris Development Corp. dba HBC Enterprises
Rob Harris

Date: January 8, 2025

Regarding: Substitution of Subcontractor

Greetings,

HBC submitted a bid to the city on November 5th, 2024 for the construction of 8 Pickleball Courts at Rotary East Park. HBC was the apparently low bidder and has subsequently been awarded the contract to construct the park improvements.

HBC requests the ability to substitute a subcontractor based on the following material factors.

HBC received a quote to perform specialty coating work scopes from Tosted Asphalt in the amount of \$34,500.00. The quote was not broken out per the bid schedule and I requested by email and phone for this to happen so I could plug their costs into the bid compilation sheet as accurately as possible.

I called their office a few times asking to speak to someone and was told the person who completed and submitted the bid (Junior) was in the mountains working and did not have phone signal. I then asked for someone else to call me to review the numbers and was met with negative results because the manager was busy in a meeting. Knowing the difference between Tosted's bid and the next lowest quote HBC received was minimal, I listed Toasted to perform the work on the project according to the bid schedule completed and submitted to the city electronically.

After I provided my Office Manager the final bid numbers to submit via the Planet Bids platform, I went back to my daily routine of checking emails etc.... During this transition, at 2:58pm, I found an email from Tosted. This email was sent at 12:10pm, and it contained a 'revised' estimate that was over double what their initial quote sent to HBC. The new quote was for the amount of \$85,000.00. Attached you will see my correspondence to Tosted concerning the revised bid receipt stating it was not received/nor reviewed until AFTER our bid was submitted to the city.

I tried talking with Tosted on the phone and received the attached email correspondence from them regarding their original quote. Please see their explanation via the attached emails.

Also, please see the quote supplied by Beynon. Their quote for the same work was \$37,615.00. There is no vast difference between the quotes, so there was zero indication to HBC there could actually be something of

significance that was missed or misquoted by Tosted. HBC acted in a prudent manner by listing the apparent low bidder for the specified work scopes, and Tosted has refused to perform according to their original bid.

Due to Tosted's actions that were outside of HBC's control, we 'respectfully' request the ability to substitute BEYNON to perform the work scopes that were originally at the time of bid to be performed by Tosted Asphalt.

Respectfully Submitted,



Rob Harris

Re: Revised Estimate 12518 from Tosted Asphalt Inc.

From Shayne Shipman <shayne@tostedasphalt.com>

Date Wed 11/6/2024 8:57 AM

To Rob H <robathbc@gmail.com>

Cc junior@tostedasphalt.com <junior@tostedasphalt.com>; HBC Enterprises <hbcoffice02@gmail.com>; Anahi Miguel <HBCoffice03@gmail.com>

Understood thank you

Tosted Asphalt Inc.

Project Manager

Shayne Shipman

559-341-1509



On Tue, Nov 5, 2024 at 4:55 PM Rob H <robathbc@gmail.com> wrote:

I spoke to someone in your office that answered the phone and said you were in a meeting and would call me back.. That did not happen.

Your revised bid is higher than another subcontractor that bid the same work, so we will unfortunately have to request the city allow us to substitute you as a sub on the project to try and mitigate the issue. I believe there is a form that will have to go out to you for execution.

Rob Harris

HBC Enterprises

559-575-3000

559-775-5124 - fax

Communications Disclaimer:

Although two companies may or may not have interest in this communication, communications are project/subject specific, and company specific to the relevant entity and project. In no way or manner do communications binds or involves both entities as to any data or written correspondence involved. All contractual and binding exchanges are specific to the company involved. If there is any question as to the company being represented in the exchange of communication(s), ask for specific clarification.

Please excuse any misspellings or brevity unintentionally conveyed.

From: Shayne Shipman <shayne@tostedasphalt.com>
Sent: Tuesday, November 5, 2024 4:36 PM
To: Rob H <robathbc@gmail.com>
Cc: junior@tostedasphalt.com <junior@tostedasphalt.com>

Subject: Re: Revised Estimate 12518 from Tosted Asphalt Inc.

Not sure what you mean that you asked for a "call back". We sent this revised estimate without the typo 4 minutes after. This also included the break down you requested
This is the cost break down for the post/nets, resurfacing and striping

Tosted Asphalt Inc.

Project Manager
Shayne Shipman
559-341-1509



On Tue, Nov 5, 2024 at 4:33 PM Rob H <robathbc@gmail.com> wrote:

Will you be honoring your original price sent out?

I asked for a call back and received none... I did not know you even sent this follow up quote until AFTER submitting out quote using your numbers....

This has put in in a negative position for sure regarding the surfacing and netting equipment.

Please respond so we know how to proceed.

Thanks

Rob Harris
HBC Enterprises
559-575-3000
559-775-5124 - fax

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Please excuse any misspellings or brevity unintentionally conveyed.

From: Rob H <robathbc@gmail.com>
Sent: Tuesday, November 5, 2024 2:58 PM
To: junior@tostedasphalt.com <junior@tostedasphalt.com>; shayne@tostedasphalt.com

<shayne@tostedasphalt.com>

Subject: Re: Revised Estimate 12518 from Tosted Asphalt Inc.

I DID NOT RECEIVE THIS UNTIL JUST NOW AND LISTED U GUYS WITH YOR ORIGINAL BID!!

Rob Harris
HBC Enterprises
559-575-3000
559-775-5124 - fax

Communications Disclaimer:

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Please excuse any misspellings or brevity unintentionally conveyed.

From: junior@tostedasphalt.com <junior@tostedasphalt.com>

Sent: Tuesday, November 5, 2024 12:10 PM

To: shayne@tostedasphalt.com <shayne@tostedasphalt.com>

Subject: Revised Estimate 12518 from Tosted Asphalt Inc.

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



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. - Acid wash (8) pickleball courts. - Apply sport master primer, base coat. - Apply two coats of (3) colors of resurfacer on eight pickleball courts. - Stripe (8) pickleball courts with textured acrylic line paint. ***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*** | 26,000.00 8,500.00 |
| | Total \$34,500.00 |

Print, sign, & date:



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 |
| <p>***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***</p> | |
| REVISED ESTIMATE | Total \$85,000.00 |

Print, sign, & date:

11/4/2024

TO: Harris Development Corp. dba HBC
 Attn. Estimating
PHONE: 559.575.3000
EMAIL: robathbc@gmail.com

FROM: Jason Paul, Beynon Sports
MOBILE: (559) 349-4929
EMAIL: JPaul@beynonsports.com

Re: Rotary East Park – New Pickleball Court Surfacing Bid

Beynon Sports is pleased to present this bid proposal to supply and install new pickleball court surfacing and pickleball site equipment for eight (8) new pickleball courts at Rotary East Park.

| PICKLEBALL COURT SURFACING (8 COURTS) | |
|--|---|
| Scope: | <ul style="list-style-type: none"> • Furnish and install all Pickleball Court Surfacing and Game Line Striping complete per plans and specs. • Scope includes: <ul style="list-style-type: none"> ○ High pressure-wash the entire court surface as needed. ○ Flood court surface, mark low areas that hold water over the depth of a nickel. Proper slope must be present to alleviate birdbaths. ○ Game lines will be accurately laid out, taped, primed, and painted with two coats White Textured Line Paint. • Furnish pickleball site equipment (8 courts). <ul style="list-style-type: none"> ○ Nets, center anchor straps, net posts, and sleeves |
| Cost: | <u>\$37,615.00</u> |
| Cost Breakdown: | |
| 14 - Pickleball Court Surfacing: | <u>\$29,419.00</u> |
| 15 - Court Striping: | <u>\$4,200.00</u> |
| 16 - Court Equipment: | <u>\$3,996.00</u> |

*****Caulking of pickleball court slabs/ expansion joints is EXCLUDED*****

Exclusions and Notes:

- This quotation excludes any design costs, bonds, union or labor law levies, agency approval or associated fees, protection of sports surface after completion, permits (owners responsibility), moving/removal/replacing any utilities to include sprinklers, remediation of unsuitable soils, multiple mobilizations, logos, or other unforeseen costs.
- Due to increased pigment, there is additional cost for Purple.
- This quotation excludes any design costs, engineered or stamped drawings, union or labor law levies, agency approval or associated fees, protection of sports surface after completion, permits (owners responsibility), moving/removal/replacing any utilities to include sprinklers, remediation of unsuitable soils, multiple mobilizations, logos, or other unforeseen costs.