



CAPITAL PROJECTS DEPARTMENT

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Nicholas D. Mascia, PE
Assistant City Manager
Capital Projects Interim Director

January 21, 2025

SENT VIA FED EX
771641098008

Tosted Asphalt Inc.
36024 Kensington Dr
Madera, CA 93636

PROJECT: ROTARY EAST PICKLEBALL COURTS
PROJECT ID. PC00358

SUBJECT: SUBSTITUTION OF SUBCONTRACTOR – TOSTED ASPHALT INC.

PLEASE BE ADVISED OF THE FOLLOWING:

The purpose of this letter is to inform you that Harris Development Corp. dba HBC Enterprises, (HBC), the prime contractor for the above-referenced project, does not intend to use your firm to perform the court surfacing and equipment of this contract. 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 prime contractor has therefore requested permission to substitute Beynon for the court surfacing and equipment, to perform this work in accordance with Section 4107 of the Public Contract Code, as noted below:

Prior to approval of the prime contractor's request for the substitution, the awarding authority, or its duly authorized officer, shall give notice in writing to the listed subcontractor of the prime contractor's request to substitute and of the reasons for the request. The notice shall be served by certified or registered mail to the last known address of the subcontractor. The listed subcontractor who has been so notified has five working days within which to submit written objections to the substitution to the awarding authority. Failure to file these written objections constitutes the listed subcontractor's consent to the substitution. If written objections are filed, the awarding authority shall give notice in writing of at least five working days to the listed subcontractor of a hearing by the awarding authority on the prime contractor's request for substitution.

As described above, TOSTED ASPHALT INC. has five (5) working days from receipt of this letter to submit a **written** objection to this office regarding the proposed substitution. Failure to file such written objection shall constitute your firms consent of the substitution.

Thank you in advance for your cooperation regarding this matter. If you have any questions, please contact me at (559) 621-5645.

Sincerely,



Kelly Yost, PE
Construction Manager

Cc: 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