



AGBAYANI CONSTRUCTION CORPORATION

"SBA Administrators Award for Excellence 2003"
"NCSDC MBE Firm of the Year 2000"
"National Small Business Firm of the Year 1999"
"Region #9 Business Firm of the Year 1999"
"SBA District Office Minority Firm of the Year 1999"

November 13, 2012

Director of Public Works
Capital Projects Management Division Office
255 Glacier Drive
Martinez, CA 94553

Subject: Good Faith Effort for Chiller Replacement
Martinez Detention Facility

Dear Mr. Lim,

In response to the fax received on November 16, 2012 regarding Agbayani Construction Corporation (ACC) non-compliance to Contra Costa County's Outreach Program. I would like to respond point by point to the County's letter to show that ACC has indeed acted in good faith.

1. Specific work was identified by Trade during the invitation to bid.
2. Proof of publication of the advertisement was submitted with the Good Faith Effort paperwork. Proof of Publication receipt and copy of the advertisement place online at Small Business Exchange: www.sbeinc.com.
3. As stated in the cover letter for the Good Faith Submittal, due to ACC's commitment to lower our environmental impact, we have gone to a paperless bid notification system. All requests for bids from Subcontractors are sent electronically via the ad posted on www.sbeinc.com and ACC's online plan room. Subcontractor's received invitations to bid via email.
4. Information has been provided where to obtain plans and specs online either from ACC's plan room (www.agbayaniplanroom.com) or from San Francisco Builders Exchange website (www.bxosf.com).
5. ACC did not contact the recruitment/placement organizations. Per indicator 8, Section E, this is a deduction of 10 points.
6. ACC did not receive any bids or quotes from MBE, WBE, OBE, SBE, LBE, or DVBE firms. ACC has shown a legitimate effort to contact and follow up with these Subcontractors provided on the outgoing email log sheet and phone call follow up sheet. ACC cannot be expected to negotiate with bidders that state they will not provide a bid or quote, or do not return emails or phone calls.

7. As a Small Business, ACC cannot reasonably be expected to provide assistance to Subcontractors for bonding, insurance and lines of credit as this would place ACC in jeopardy of having an impact on its own bondability and surety credit. Please refer t the attached letter from Mr. Robert Saragosa from Marsh USA, Inc advising us against such actions.

While ACC respects the County's decision, we would like to point out the criteria of proof for the Good Faith Efforts is outdated. As the majority of communications, these days are done electronically, proof of such efforts should carry equal weight. In the current Construction environment where Architects and Contractors strive for LEED Certification, sustainability, and low environmental impact the County should recognize the efforts by ACC to abide by the criteria set forth in the Good Faith Effort in a more environmentally sound way.

Sincerely,



David Rebling
Business Development Officer