



Tele: 858-486-6400
 Fax: 858-486-6402
Stephen@Eaglepaving.us
 CSLB: 944939 Class A
 DIR: 2000001462

05-12-2026

Via Electronic Filing

14284 Danielson Street Poway CA 92064

To:

Kymerly Corbin
 City of Oceanside
 300 N. Coast Highway
 Oceanside, CA 92054

RE: Bid Protest – Solicitation No. FY 25-26 Pavement Rehab Project CIP 25-00023

Protesting Bidder: Eagle Paving LLC

Apparent Low Bidder Being Protested: Onyx Paving

Dear [Contracting Officer]:

Pursuant to **California Public Contract Code section 10345**, Eagle Paving LLC hereby submits this formal protest to the proposed award of the above-referenced contract to Onyx Paving. This protest is timely submitted prior to contract award and is based upon material defects and nonresponsiveness in Onyx Paving's bid submission.

Grounds for Protest

Upon review of the bid documents submitted by Onyx Paving, it appears that Onyx failed to comply with mandatory bid submission requirements concerning subcontractor disclosures. Specifically:

1. Failure to Disclose Required Subcontractor Participation Percentage

The solicitation required bidders to identify listed subcontractors and specify the percentage of work to be performed by each subcontractor.

Onyx Paving failed to disclose the percentage of work to be performed by one or more listed subcontractors, resulting in an incomplete and noncompliant bid submission.

2. Material Deviation from Mandatory Bid Requirements

The omission is not a minor clerical irregularity. The percentage allocation of subcontracted work is a material bid element because it directly impacts:

- Bid evaluation;
- Compliance review;
- Enforcement of subcontracting obligations; and
- Fair competition among bidders.

Permitting correction or waiver of this omission after bid opening would afford Onyx Paving an unfair competitive advantage not available to other bidders who complied fully with the solicitation requirements.



Tele: 858-486-6400
 Fax: 858-486-6402
Stephen@Eaglepaving.us
 CSLB: 944939 Class A
 DIR: 2000001462

14284 Danielson Street Poway CA 92064

3. Prejudice to Competitive Bidding Process

California competitive bidding laws are intended to preserve integrity, transparency, and equal treatment among bidders. Allowing a bidder to omit material subcontracting information undermines the level playing field required by statute and compromises the integrity of the procurement process.

Requested Relief

Accordingly, Eagle Paving LLC respectfully requests that City of Oceanside

1. Suspend award of the contract pending resolution of this protest;
2. Determine that Onyx Paving's bid is materially nonresponsive;
3. Reject Onyx Paving's bid as noncompliant with the solicitation requirements; and
4. Proceed with award in accordance with applicable law and the bid documents.

Please include this protest in the official procurement record and provide written confirmation of receipt.
 Respectfully submitted,

Stephen Houston
 Director of Public Works
 Eagle Paving LLC
 858-486-6400
Stephen@Eaglepaving.us

**FY25-26 Pavement Rehabilitation Project
 CIP25-00023**

Bid Documents

<u>Item #'s of Work</u>	<u>Full Company Name, Address and Phone</u>	<u>Type and % of Work to be Performed</u>	<u>License No. & Classification; DIR Registr. No.</u>
4. 1km ² BB-12, 30, A112-12, A114-12, A115-12	Pavement Coatings Co. Jurupa Valley, CA 714-826-3011	Slurry Seal	303609-A, CS2 1000003382