

BATA AGENDA ITEM 4A - PUBLIC COMMENT

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September 23, 2025

VIA PERSONAL DELIVERY AND ELECTRONIC

MAIL

ephillips@bayareametro.gov

BATA Review Officer
Attention: Edward Phillips, Principal Contract
Manager
Bay Area Toll Authority
Bay Area Metro Center
375 Beale Street, Suite 800
San Francisco, California 94105

Re: *Notice of Concern Regarding Potential Contract Award –
RFP for Open Road Tolling System for the Bay Area Toll Bridges*

Dear Executive Director and Members of the BATA Board:

We represent SICE, Inc. with respect to the referenced Request for Proposals (RFP). On behalf of SICE, we respectfully submit this letter to express concern regarding the potential award of the contract for the above-referenced project to INDRA USA Inc., as scheduled for consideration at tomorrow's Board meeting.

SICE understands that INDRA has been identified as the top-ranked proposer, despite submitting a price that is over \$22 million higher than SICE's. While we appreciate the complexity of the evaluation process, we wish to raise a matter that may warrant further review prior to finalizing the award.

The project involves substantial electrical construction work, and Section 2.8.8 of the RFP requires that "all electrical work shall be performed by electricians licensed in the state of California." Under California Public Contract Code section 3300, a contractor must possess the appropriate license at the time of contract award. In addition, the RFP requires that bidders demonstrate proper licensure in their proposals. Based on a review of the California Contractors State License Board (CSLB) database, it appears that INDRA USA Inc. does not currently hold a C-10 electrical license, nor any contractor's license in California. If confirmed, this could represent a violation of California law, which requires that bidders possess the appropriate licensure. Courts have consistently treated this requirement as a strict and non-waivable condition for public contracting.

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Additionally, INDRA may not satisfy this licensure requirement through its subcontractors. Under California law, INDRA itself needs to be licensed.

SICE, by contrast, holds an active C-10 electrical license (No. 1124457), valid since July 31, 2024, which is before the initial proposal submission.

We raise these concerns not as a formal protest at this time, but in the interest of ensuring that the Board has the opportunity to consider all relevant information before proceeding with the award of a contract. We respectfully request that BATA review the licensing status of the recommended proposer and its subcontractors to confirm compliance with the RFP and applicable law.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'R.J. Pinto', is written over a horizontal line.

R.J. Pinto

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