

RESOLUTION 2020-011

RESOLUTION SUSTAINING BID PROTEST FROM TC CONSTRUCTION COMPANY, INC. AGAINST MVC ENTERPRISES, INC. ON THE PAVEMENT IMPROVEMENTS AT SHELTER ISLAND PARKING LOTS PROJECT

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix I; and

WHEREAS, the Pavement Improvements at Shelter Island Parking Lots Project is identified in the District Asset Management Program (AMP) requiring repair and maintenance in FY19/20; and

WHEREAS, the plans and specifications define the contract work including crack seal, slurry seal and seal coat application on the existing asphalt pavement at parking lots #1A, #1B and #10; replacement of existing asphalt with new 4" asphalt pavement over 10" recycled base at parking lots #2 and #3; and pavement striping and markings at all parking lots (Attachment A to the corresponding agenda report- Location Map); and

WHEREAS, the Contract Documents including plans SI-2019-01 and specifications No. 2019-15 were issued for advertisement on December 11, 2019; and

WHEREAS, on January 14, 2020, the District received 12 bids ranging from \$789,700.00 to \$1,004,951.08. The responsive bids are listed on Attachment B to the corresponding agenda report. The lowest responsive and responsible bid was submitted by MVC Enterprise Inc. (MVC) in the amount of \$789,700.00; and

WHEREAS, the second lowest bidder, TC Construction Company Inc. (TC), has protested MVC's bid claiming it is non-responsive for failure to meet the Small Business Enterprise (SBE) requirements of the specification (Attachment C to the corresponding agenda report); and

WHEREAS, MVC responded to the protest (Attachment D to the corresponding agenda report); and

WHEREAS, at the February 11, 2020 Board meeting TC and MVC were given the opportunity to present their protest or response, and field questions from the Board, followed by discussion by the Board; and

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WHEREAS, after hearing from TC and MVC and discussion, the Board voted to sustain the bid protest of TC against the bid of MVC.

NOW THEREFORE, BE IT RESOLVED that the Board of Port Commissioners of the San Diego Unified Port District, hereby sustains the bid protest from TC Construction Company, Inc. against MVC Enterprises, Inc., and declares MVC's bid non-responsive.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL



By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 11th day of February 2020, by the following vote:

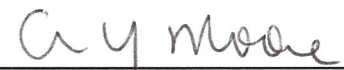
AYES: Bonelli, Castellanos, Merrifield, Moore, and Zucchet

NAYS: None.

EXCUSED: Malcolm, and Valderrama


ABSENT: None.

ABSTAIN: None.



Ann Y. Moore, Chair
Board of Port Commissioners

ATTEST:



Donna Morales
District Clerk

