

**DRAFT**

**RESOLUTION 20xx-xxx**

**RESOLUTION REJECTING ALL BIDS FOR  
CONTRACT NO. 2016-05 TENTH AVENUE MARINE  
TERMINAL ENTRY GATE SECURITY  
IMPROVEMENTS PROJECT DUE TO ALL BIDS  
EXCEEDING THE PROJECT BUDGET, AND  
AUTHORIZING REVISIONS TO REDUCE SCOPE  
AND RE-ADVERTISE THE CONTRACT**

**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, (Port Act); and

**WHEREAS**, Section 37 of the Port Act requires that the California Public Contract Code (PCC) apply to public projects of the District; and

**WHEREAS**, the District adopted the Uniform Public Construction Cost Accounting Act (Construction Act) procedures of the PCC to apply to public projects of the District by Resolution 98-249; and

**WHEREAS**, the Board of Port Commissioners (BPC) adopted BPC Policy No. 110 incorporating the provisions of the Construction Act to govern the processing and administration of public projects; and

**WHEREAS**, Contract No. 2016-05 Tenth Avenue Marine Terminal (TAMT) Entry Gate Security Improvements is a construction contract to provide and install a new unclimbable fence, vehicle bi-fold speed gates, and pedestrian security turnstile gate, at TAMT, other work will include demolition of existing fence, gates, pedestrian gate, bollards, arms, curb and gutter, placing concrete curb and gutters, footings, bollards, installing conduits and electrical system and other site preparations; and

**WHEREAS**, contract documents were advertised on July 20, 2017 with an Engineer's Estimate and project budget of \$340,000; and

**WHEREAS**, on August 22, 2017, three (3) bids were received ranging from \$497,000.00 to \$557,950.00; and

**WHEREAS**, the apparent low bid was \$497,000; and

**WHEREAS**, the apparent low bid, submitted by Conan Construction, Inc. in the amount of \$497,000 is considered non-responsive as they do not carry the required A license; the second lowest bid, submitted by AZ Construction Inc. dba ACE Fence Co. in the amount of \$544,168, is considered responsive and responsible; and

**WHEREAS**, the second lowest bid is over the project budget of \$340,000;  
and

**WHEREAS**, staff recommends adopting a resolution to reject all bids and authorizing revisions to reduce scope, and re-advertise the contract for new bids.

**NOW THEREFORE, BE IT RESOLVED** by the Board of Port Commissioners (BPC) of the San Diego Unified Port District, as follows:

The District shall reject all bids for Contract No. 2016-05 Tenth Avenue Marine Terminal (TAMT) Entry Gate Security Improvements.

**FURTHER BE IT RESOLVED**, revisions to the scope and re-advertisement of Contract No. 2016-05 TAMT Entry Gate Security Improvements are hereby authorized.

APPROVED AS TO FORM AND LEGALITY:  
GENERAL COUNSEL

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By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 10<sup>th</sup> day of October 2017, by the following vote: