

**DRAFT**

**RESOLUTION 20xx-xxx**

**RESOLUTION REJECTING BID PROTEST FROM  
ERC ROOFING & WATERPROOFING AGAINST  
URBAN CORPS OF SAN DIEGO COUNTY**

**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 (Act); and

**WHEREAS**, the Deferred Maintenance - Seaport Village Project has an approved budget of \$700,000 in the FY 2020 Major Maintenance Capital program. Based on the variety of trades involved in the repairs, the Deferred Maintenance – Seaport Village Project is divided into three (3) subprojects; and

**WHEREAS**, the subprojects are the following: Maintenance Repairs at Various Seaport Village Buildings; Mechanical, Electrical and Plumbing Repairs at Various Seaport Village Buildings (currently in design); and Overwater Platform Repairs at Seaport Village Café (currently in procurement); and

**WHEREAS**, the plans and specifications for the first subproject (the Seaport Village Maintenance Subproject) define the contract work including replacement of the existing wood roof shingles to new asphalt roof shingles, exterior painting, and miscellaneous carpentry repairs on various Seaport Village buildings; and

**WHEREAS**, these repairs are a necessary component of owning and operating a specialty retail shopping center and ensuring that Seaport Village has continued success for tenants and is enjoyed by visitors and the general public; and

**WHEREAS**, construction bid documents, including plans and specifications for Contract No. 2019-17 (Drawing No. EM-2019-04 and EM-2019-05; Project No. MC-0072-01) were issued for advertisement on December 16, 2019; and

**WHEREAS**, four (4) bids were received on the bid opening date – January 15, 2020, ranging from \$529,442.60 to \$1,826,128.00; and

**WHEREAS**, three (3) of the bids are listed in Attachment B to the corresponding agenda report. The apparent low bidder withdrew their bid due to a clerical error; and

**WHEREAS**, the lowest responsive and responsible bid was submitted by Urban Corps of San Diego County in the amount of \$598,397.00; and

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**WHEREAS**, ERC Roofing & Waterproofing, the third lowest bidder, timely submitted a protest of the two lowest bidder's bids. As the original low bidder withdrew its bid, ERC Roofing & Waterproofing's protest of its bid is moot; and

**WHEREAS**, the Office of the General Counsel, along with outside counsel, concluded that ERC's Roofing & Waterproofing's protest of Urban Corps is without merit, and as recommended by staff, should be rejected.

**NOW THEREFORE, BE IT RESOLVED** that the Board of Port Commissioners of the San Diego Unified Port District, does hereby reject the bid protest from ERC Roofing & Waterproofing against Urban Corps of San Diego County.

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 11<sup>th</sup> day of February 2020, by the following vote: