

7971 Dorsey Run Road
Jessup, MD 20794
Phone: (443) 755-8918
Fax: (410) 799-1462
www.jvillaconstruction.com



Baltimore City MBE #14-358551
MDOT MBE/DBE #09-091
WSSC SLMBE

May 13, 2024

Clerk
Board of Estimates of Baltimore City
100 Holiday Street
City Hall Room 204
Baltimore, Maryland 21202

Re: Contract TR24009 ADA Curb Ramp and Sidewalk
Construction Urgent Need West (JOC)

BID PROTEST

Dear Clerk and Board Members:

J. Villa Construction, Inc. ("JVCI"), 7971 Dorsey Run Road, Jessup, Maryland 20794, the lowest responsive and responsible bidder on the above referenced contract, protests the award, or proposed award, of Contract TR24009 (the "Contract") to any entity other than JVCI for the following reasons.

Priority Construction Corp.

The Board has been requested to approve the award of the Contract to Priority Construction Corporation ("PCC"). For the reasons which follow, however, PCC's bid is fatally non-responsive and any award to PCC is contrary to the terms of the request for bids and Maryland law.

First, in accordance with the Contract's specifications, the bidder's mobilization costs were to be capped at 6% of their construction costs – excluding mobilization. PCC, however, included mobilization in their construction costs, and, as is shown in their bid item #103, exceeded the maximum 6%. PCC's bid is, thus, non-responsive.

Second, with regard to PCC's representations as to the amount of work that it was to self-perform, PCC both misrepresents the value of the work which it intends to subcontract, and that which it intends to self-perform. More specifically, at page 160 of PCC's bid it indicates that it will subcontract: (a) \$138,250 to "Shanon Baum Signs", and (b) \$229,525 to "American Asphalt Paving Company". However, on page 149 of its bid, PCC states that it will subcontract: (a) \$50,000 to "Shanon Baum Signs", and (b) \$229,000 to "American Asphalt Paving Company". PCC has misrepresented either the amounts that it intends to pay to its subcontractors, or the value of the work that it will self perform. In either event, PCC's bid is fatally non-responsive.

This Board can not award the Contract to PCC.



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E&R Services, Inc.

The apparent second lowest bidder for the Contract was E&R Services, Inc. ("E&R"). For the reasons which follow, however, E&R's bid is also fatally non-responsive.

First, to satisfy MBE requirements, E&R identified Machado Construction and represented that Machado Construction would perform 13% of the Contract value. However, on page 149 of its bid, E&R identifies Machado Construction only as a supplier of materials. As such, and since Machado Construction is only a material supplier, E&R is only entitled to claim 25% of the value of that supply contract towards the MBE goal. E&R, therefore, has misrepresented the amount of its MBE participation and, as a result, its bid is non-responsive.

Second, the total value of the work that E&R intends to self perform was represented as \$529,965.80. This sum fails to meet the 51% self performance requirement of the bid documents and, as a result, E&R's bid is non-responsive.

Third, E&R failed to complete page 152 of the bid. As a result, E&R's bid is non-responsive.

Fourth, E&R failed to complete page 154 of the bid. As a result, E&R's bid is non-responsive.

Fifth, E&R failed to complete page 155 of the bid. As a result, E&R's bid is non-responsive.

This Board can not award the Contract to E&R.

Harm to J. Villa Construction, Inc.

J. Villa Construction, Inc. is a responsible and experienced contractor with an exemplary work record. Having submitted a responsive bid, J. Villa Construction, Inc., for the reasons above, should be awarded the Contract. Any award to any other bidder is contrary to both the request for bids and Maryland law and is hereby protested. J. Villa Construction, Inc. requests the right and opportunity to be heard at the next Board meeting.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jaime Villa", is written over a horizontal line.

Jaime Villa, vice president
J. Villa Construction, Inc.