



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Pierce R. Homer
Chairman

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Agenda item # New Business

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

July 17, 2008

MOTION

Made By: Mr. Keen Seconded By: Mr. Bowie
Unanimously

Action: Motion Carried,

Title: 460 Connector – Phase 1 Project

WHEREAS, in connection with the procurement of the 460 Connector – Phase 1 Project (Contract ID No.: C00085914DB9) (the “Project”), on July 10, 2008, the Virginia Department of Transportation (“VDOT”) received a Notice of Protest and Detailed Supporting Statement from an offeror following VDOT’s issuance of the Notice of Intent to Award.

WHEREAS, VDOT has considered the grounds for protest, determined the protest lacks merit, and communicated its findings to the offeror/protesting party.

WHEREAS, pursuant to Section 2.2-4362 of the *Code of Virginia*, for the reasons set forth below VDOT has determined that proceeding without delay with award of the contract for the Project pending the outcome of the protest process set forth in the *Code of Virginia* is necessary to protect the public interest.

WHEREAS, the public interest will be harmed if the award of contract is delayed because the bid price of the selected Offeror will expire before the contract is executed if the Board does not give approval to VDOT to award the contract during the Board’s July 2008 meeting.

WHEREAS, the public interest will be harmed if the award of contract is delayed because the rising costs of raw materials and inflation will cause the total cost of the Project to increase, thereby requiring an allocation of additional public funds.

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WHEREAS, the public interest will be harmed if the award of contract is delayed because such a delay will in turn negatively impact the proposed schedule for the construction of the Project, which may impact the coordination of work ongoing in Kentucky.

NOW, THEREFORE BE IT RESOLVED that, due to the harm the public may suffer if the award of contract for the Project is delayed pending the outcome of the protest process set forth in the *Code of Virginia*, the Board does hereby find that the award of contract for the Project shall move forward and that proceeding without delay with the award of this contract and the construction thereto is necessary to protect the public interest and to ensure that the selected bid/offer will not expire.

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