

RESOLUTION NO. 2017-066

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA, CONDITIONALLY AWARDING A CONSTRUCTION CONTRACT TO GORDON N. BALL, INC. IN THE AMOUNT OF \$3,940,392 FOR CONSTRUCTION OF THE BERRY STREET BRIDGE REPLACEMENT PROJECT, APPROVING A BUDGET ADJUSTMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT

WHEREAS, the Berry Street Bridge has been identified as being in critical need of replacement; and

WHEREAS, the City's adopted FY 2017/18 CIP Budget contains \$2,636,490 in unencumbered appropriations for this Project under Account 25-5518-4915; and

WHEREAS, CEQA and NEPA has been completed and all necessary state and federal agency permits have been obtained; and

WHEREAS, a request for bids was circulated on May 19, 2017 and two bids were received by the City, with the apparent low bidder being Granite Construction Company (Granite) in the amount of \$3,893,953.65 and the second lowest bid from Gordon N. Ball, Inc. in the amount of \$3,940,392; and

WHEREAS, upon review it was determined that the bid from Granite did not contain Exhibits 15-G, 15-H, 12-G and Cost of Work for subcontractors listed on the Proposed Subcontractors Form as required by Addendum No. 1; and

WHEREAS, City staff has confirmed that the bid from Gordon N. Ball, Inc. satisfies the bidding requirements for the Project as described in the instructions to bidders, including all issued Addendums; and

WHEREAS, staff has determined that Gordon N. Ball, Inc. possesses the required license(s) for this Project and is otherwise qualified to perform the Project in accordance with the Contract documents; and

WHEREAS, the City received a bid protest, in conformance with the bid documents, from Gordon N. Ball, Inc. requesting that Granite's bid be found to be non-responsive due to Granite Construction's omission in their bid submittal of Exhibits 15-G, 15-H, 12-G and Cost of Work for subcontractors listed on the Proposed Subcontractors Form as contained in Addendum No. 1; and

WHEREAS, Granite Construction and Gordon N. Ball Inc. were advised that the City Council would conduct a Protest Hearing on June 20, 2017, not sooner than 6:00 PM, to consider the bid protest from Gordon N. Ball, Inc. and both bidders acknowledged the notification and represented that they would be in attendance; and

WHEREAS, the City Council conducted the Protest Hearing and received comments from Granite Construction, Gordon N. Ball, Inc., City staff and the public at the June 20, 2017 properly noticed City Council meeting; and

WHEREAS, based on the evidence presented and after careful consideration at the conclusion of the Protest Hearing, the City Council:

1. Ruled in favor of Gordon N. Ball, Inc.'s bid protest and found that Granite Construction's omission of the required Exhibits was not a minor irregularity that could be waived.
2. Found the bid from Granite Construction to be non-responsive.
3. Found the bid from Gordon N. Ball, Inc. in the amount of \$3,940,392 to be the lowest responsible and responsive bidder.

WHEREAS, at the conclusion of the Protest hearing it is recommended that the Project be awarded to Gordon N. Ball, Inc. in the amount of \$3,940,392, contingent upon receipt of a revised E-76 from Caltrans for the additional construction costs.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Calistoga as follows:

1. Approves the Project plans and specifications.
2. Affirms the Bid Protest from Gordon N. Ball, Inc. and finds the bid from Granite Construction Company as non-responsive.
3. Finds that Gordon N. Ball, Inc. is the lowest responsive and responsible bidder and waives any and all minor bid irregularities in their bid.
4. Approves the Project construction budget in the amount of \$4,913,880, which includes construction management of 15% of the bid amount and a contingency of 10% of the bid amount and authorizes the Public Works Director/City Engineer to negotiate and approve contract change orders up to the approved construction budget amount.
5. Approves a Budget Adjustment increasing appropriations in Account 25-5518-4915 to 4,913,880.
6. Awards the construction contract to Gordon N. Ball, Inc. in the amount of \$3,940,392 for construction of the Berry Street Bridge Replacement Project conditioned upon Gordon N. Ball, Inc. providing all documents in satisfaction of the bid award requirements, and contingent upon receipt of a revised E-76 from Caltrans for the additional construction costs.
7. The City Manager is hereby authorized to execute the Contract on behalf of the City of Calistoga.

8. Directs staff to issue a notice of award to Gordon N. Ball, Inc. and otherwise administer the Project.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Calistoga at a regular meeting held this **20th day of June 2017**, by the following vote:

AYES: Councilmembers Kraus and Barnes, Vice Mayor Dunsford and Mayor Canning
NOES: None
ABSTAIN: None
ABSENT: Councilmembers Lopez-Ortega



CHRIS CANNING, Mayor

ATTEST:



KATHY FLAMSON, City Clerk

