

RESOLUTION NO. RES-2022-082

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA REJECTING THE BID PROTEST BY ARGONAUT CONSTRUCTORS, INC., WAIVING ANY IRREGULARITIES IN THE LOWEST BID, AND AWARDING CONTRACT C01178 TO GHILOTTI BROS, INC. / FBD VANGUARD CONSTRUCTION, INC, OF SAN RAFAEL, CA, WITH A CONTRACT CONTINGENCY FOR THE CONSTRUCTION OF THE FULTON ROAD WIDENING PROJECT BETWEEN GUERNEVILLE ROAD AND PINER ROAD

WHEREAS, bids have been invited by the City of Santa Rosa for the construction of the Fulton Road Widening Project Between Guerneville Road And Piner Road, Contract Number C01178; and

WHEREAS, bids were received and opened in accordance with law and the City Engineer has reported thereon; and

WHEREAS, the lowest responsive bidder, Ghilotti Bros, Inc. / FBD Vanguard Construction, Inc., of San Rafael, Ca, formally submitted a bid that was found to contain a minor irregularity and the City Attorney's office concluded that the irregularity is minor and therefore may be waived; and

WHEREAS, the Council has considered the report and analysis of the City Engineer and its recommendation that the Council waive the irregularity in the lowest bid and reject a bid protest submitted by Argonaut Constructors, Inc.; and

WHEREAS, on October 24, 2017, the Council adopted a Mitigated Negative Declaration (MND) for the Fulton Road Widening Project between Guerneville Road and Piner Road.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa finds that the irregularity in the bid, namely the discrepancy with a maximum capped bid item price for bid item thirty-two (#32) Utility Clearances, is not a material deficiency; Ghilotti Bros, Inc. / FBD Vanguard Construction, Inc. was bound to its bid and would not have been awarded relief under Public Contract Code § 5103, and therefore the irregularity did not give Ghilotti Bros, Inc. / FBD Vanguard Construction, Inc. an unfair competitive advantage.

BE IT FURTHER RESOLVED that the Council finds that waiver of the irregularity in the apparent lowest bid will not result in any favoritism or corruption of the current bidding process.

BE IT FURTHER RESOLVED that the Council hereby waives the irregularity in the low bid and rejects the bid protest submitted by Argonaut Constructors, Inc.

BE IT FURTHER RESOLVED that the Council accepts the bid of Ghilotti Bros, Inc. / FBD Vanguard Construction, Inc., of San Rafael, Ca, in the amount of \$15,578,565.00 and awards Contract No. C01178 to Ghilotti Bros, Inc. / FBD Vanguard Construction, Inc., of San

Rafael, Ca, in the amount of \$15,578,565.00 for performance in accordance with plans and specifications on file in the Office of the City Engineer.

BE IT FURTHER RESOLVED that in accordance with City Council Policy No. 100-07, "Authorization of Contract Change Orders on Public Works Contracts," the Council approves a total authorized contract amount of \$17,136,421.50. (the original contract amount plus a 10% contingency).

IN COUNCIL DULY PASSED this 26th day of April, 2022.

AYES: (5) Vice Mayor Alvarez, Council Members MacDonald, N. Rogers, Sawyer, Schwedhelm

NOES: (0)

ABSENT: (2) Mayor C. Rogers, Council Member Fleming

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Vice Mayor

APPROVED AS TO FORM: _____
City Attorney