

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF PUBLIC UTILITIES REJECTING BID PROTEST AND WAIVING ANY IRREGULARITIES IN THE LOWEST BID AND AWARDING CONTRACT C02004 TO MICHAEL O'SHAUGHNESSY CONSTRUCTION, INC. FOR THE ALVARADO AVENUE AND VALLEJO STREET WATER AND SEWER MAIN IMPROVEMENTS PROJECT

WHEREAS, bids have been invited for the performance of work for the City of Santa Rosa, generally described as Alvarado Avenue and Vallejo Street Water and Sewer Improvements, Contract Number C02004; and

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

WHEREAS, the City received a bid protest alleging that the lowest bidder, Michael O'Shaughnessy Construction, Inc., of San Francisco, California, formally submitted a bid that was found to contain an irregularity.

WHEREAS, the City Attorney's office reviewed the bid and concluded that the irregularity is minor and therefore may be waived; and

WHEREAS, the Board of Public Utilities has considered the report and analysis of the City Engineer and its recommendation that the Board reject the bid protest and waive the irregularity in the lowest bid.

NOW, THEREFORE, BE IT RESOLVED that the Board of Public Utilities of Santa Rosa finds that the irregularity in the bid, namely the missing pages from the bid forms, is not a material deficiency; O'Shaughnessy was bound to its bid and would not have been awarded relief under Public Contract Code § 5103, and therefore the irregularity did not give O'Shaughnessy an unfair competitive advantage.

BE IT FURTHER RESOLVED that the Board of Public Utilities 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 Board of Public Utilities hereby rejects the bid protest and waives the irregularity in the low bid and accepts the bid of Michael O'Shaughnessy Construction, Inc., of San Francisco, California, in the amount of \$1,489,199.00 and awards Contract No. C02004 to Michael O'Shaughnessy Construction, Inc., of San Francisco, California, in the amount of \$1,489,199.00 for performance in accordance with plans and specifications on file in the Office of the City Engineer.

BE IT FURTHER RESOLVED that the Board of Public Utilities authorizes and directs the Chair to execute the contract and the Director of Administrative Services to pay all proper claims for performance of the contract out of Account No. 55733 - "WM Replace: Alvarado at Vallejo",

Account No. 70771 - "SM Replace: Alvarado Ave", and Account No. 70777 - "Vallejo St Trunk Junction Modifications".

BE IT FURTHER RESOLVED that in accordance with City Council Policy No. 100-07, "Authorization of Contract Change Orders on Public Works Contracts," the Board of Public Utilities approves a total authorized contract amount of \$1,712,578.85 (the original contract amount plus a 15% contingency).

City of Santa Rosa Board of Public Utilities DULY PASSED this on the 2nd day of August 2018.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____

Gina Perez Recording
Secretary

APPROVED: _____

Daniel J. Galvin III
Chairman

APPROVED AS TO FORM:

City Attorney