

RESOLUTION NO. RES-2019-109

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA REJECTING THE BID PROTEST BY ASBESTOS MANAGEMENT GROUP OF CALIFORNIA, INC., WAIVING ANY IRREGULARITIES IN THE LOWEST BID AND AWARDING CONTRACT C02162 TO AFM ENVIRONMENTAL, INC. FOR THE DEMOLITION OF 30 CITY-OWNED STRUCTURES AT 12 SEPARATE CITY LOCATIONS

WHEREAS, bids have been invited for the performance of work for the City of Santa Rosa, generally described as Building Demolition – Various City Locations, Contract Number C02162; and

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

WHEREAS, the lowest responsive bidder, AFM Environmental, Inc., of West Sacramento, California, 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 Asbestos Management Group of California, Inc.; and

WHEREAS, each of the individual sites has been independently reviewed and the City has determined that each project is Categorically Exempt pursuant from the CEQA Guidelines, Section 15301(l) because each individual project consists of demolition and removal of individual small structures such as single-family residences, small commercial structures and accessory structures.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa finds that the irregularity in the bid, namely the discrepancy between the unit price and the total set forth for bid items three and four, is not a material deficiency; AFM Environmental, 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 AFM Environmental, 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 Asbestos Management Group of California, Inc.

BE IT FURTHER RESOLVED that the Council accepts the bid of AFM Environmental Inc., of West Sacramento, California, in the amount of \$511,000.00 and awards Contract No. C02162 to AFM Environmental, Inc., of West Sacramento, California, in the amount of

\$511,000.00 for performance in accordance with plans and specifications on file in the Office of the City Engineer.

BE IT FURTHER RESOLVED that the Council authorizes and directs the Mayor to execute the contract and the Chief Financial Officer to pay all proper claims for performance of the contract out of Account No. 09532 - "Doyle Park Renovation", Account No. 09581 - "Juilliard Park Rehabilitation", Account No. 09701 - "Roseland Creek Park", Account No. 17586 - "Building Demo 2810 4th St", Account No. 54039 - "Building Demo 2810 4th Street", Account No. 86609 - "Demo Structures - Subregional Properties", and Account No. 95928 - "Demolish SAY House".

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 \$562,100.00 (the original contract amount plus a 10% contingency).

IN COUNCIL DULY PASSED this 16th day of July, 2019.

AYES: (7) Mayor Schwedhelm, Vice Mayor Rogers, Council Members Combs, Fleming Olivares, Sawyer, Tibbetts

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
Acting City Clerk Vice Mayor

APPROVED AS TO FORM:

City Attorney