

RESOLUTION NO. RES-2026-012

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA REJECTING THE BID OF GORDON N. BALL, INC. ON CONTRACT NUMBER C00769, ROUTE 101 BICYCLE AND PEDESTRIAN OVERCROSSING (CML-5028(083)), AS NONRESPONSIVE; FINDING THAT GHILOTTI CONSTRUCTION COMPANY, INC. OF SANTA ROSA, CALIFORNIA (“GHILOTTI”) IS THE LOWEST RESPONSIBLE AND RESPONSIVE BIDDER; AND AWARDING THE CONTRACT TO GHILOTTI FOR A CONTRACT AMOUNT OF \$37,574,978.70

WHEREAS, the Route 101 Bicycle and Pedestrian Overcrossing project will construct a bicycle and pedestrian shared-use overcrossing spanning U.S. 101 to connect Elliott Avenue to Edwards Avenue; and

WHEREAS, Contract Number C00769, Route 101 Bicycle and Pedestrian Overcrossing (CML-5028(083)) (“Contract”) is funded by federal grant money and as a result is subject to certain federal requirements; and

WHEREAS, the City of Santa Rosa (“City”) advertised the Contract on November 4, 2025, to 996 vendors on the PlanetBids portal; and

WHEREAS, on November 21, 2025, the City issued Addendum No. 1 to the Contract, which, among other things, required the following: “Contractor must complete, and require each proposed subcontractor to complete, the Equal Employment Opportunity Certification, attached hereto within Attachment A, and must submit the completed Attachment A certifications at time of bid.”; and

WHEREAS, the engineer’s estimate for the Contract was \$29,099,859.70; and

WHEREAS, the City received five (5) bids on January 8, 2026, with the bids ranging from \$37,556,678.00 to \$46,322,531.50; and

WHEREAS, Gordon N. Ball, Inc. (“GNB”) was the apparent low bidder with a bid of \$37,556,678.00, which is 29.06% above the engineer’s estimate; and

WHEREAS, Ghilotti Construction Company, Inc. (“Ghilotti”) was the second lowest bidder at bid opening with a bid of \$37,574,978.70, which is 29.12% above the engineer’s estimate; and

WHEREAS, on January 12, 2026, the City received a bid protest from Ghilotti of GNB’s bid; and

WHEREAS, Ghilotti’s bid protest argued that the City must reject GNB’s bid as nonresponsive because GNB failed to submit completed Equal Employment Opportunity Certifications for GNB’s subcontractors as required by the Instructions to Bidders; and

WHEREAS, on January 14, 2026, the City received GNB's response to Ghilotti's bid protest; and

WHEREAS, GNB's January 14 response stated that "on January 13, 2026, GNB submitted the subcontract EEO Certifications, curing the error."; and

WHEREAS, the City's review of the bid documents confirmed that GNB failed to submit the Equal Employment Opportunity Certifications for GNB's subcontractors at the time of bid as required by the Instructions to Bidders; and

WHEREAS, GNB's bid is nonresponsive due to its failure to submit the subcontractor Equal Employment Opportunity Certifications at the time of bid; and

WHEREAS, Ghilotti is the lowest responsible bidder to submit a responsive bid on the Contract.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa rejects the bid of GNB on the Contract as nonresponsive.

BE IT FURTHER RESOLVED that the Council finds that Ghilotti is the lowest responsible and responsive bidder on the Contract.

BE IT FURTHER RESOLVED that the Council awards the Contract to Ghilotti for a contract amount of \$37,574,978.70.

IN COUNCIL DULY PASSED this 10th day of February, 2026.

AYES: (7) Mayor Stapp, Vice Mayor Okrepkie, Council Members Alvarez, Bañuelos, Fleming, MacDonald, Rogers

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

RECUSE: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney