

RESOLUTION NO. 2012 - 62

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK
ADOPTING THE PLANS & SPECIFICATIONS AND AWARDED THE CONTRACT
TO GHILOTTI BROTHERS INCORPORATED FOR THE
COPELAND CREEK BIKE PATH RECONSTRUCTION PROJECT
CITY PROJECT NO. 2010-08**

WHEREAS, the plans and specifications for the Copeland Creek Bike Path Reconstruction Project No. 2010-08 were designed by Questa Engineering Corporation, and approved by the Deputy City Engineer; and

WHEREAS, the Project was advertised for bids City Staff opened bids for the Copeland Creek Bike Path Reconstruction Project No. 2010-08 on May 29, 2012; and

WHEREAS, four (4) bid proposals were received for the Copeland Creek Bike Path Reconstruction Project No. 2010-08 ranging in price from \$641,372.75 to \$812,957.00; and

WHEREAS, City Staff reviewed all bids for responsiveness; and

WHEREAS, City Staff determined that Ghilotti Brothers Incorporated submitted the lowest cost bid and is the lowest responsive and responsible bidder; and

WHEREAS, on June 12, 2012 a duly noticed public meeting was held on the approval of the plans and specifications and the award of the contract; and

WHEREAS, the City Council determined that the Project is exempt from the requirements of the California Quality Act (CEQA) pursuant to the following authorities:

1. Section 15301 of the State CEQA Guidelines, the repair and maintenance of existing public facilities, including existing streets, sidewalks, gutters and bike paths, is Categorical Exempt from the provisions of CEQA (Class 1 – Existing Facilities). The project involves no expansion of an existing use. There are no federally listed or candidate species, or suitable habitat, or Critical Habitat within the construction area. There is no substantial evidence that there would be a significant adverse environmental impact associated with the project.
2. Section 15302 of the CEQA Guidelines, replacement and/or reconstruction of an existing facility for the same purpose and capacity is Categorical Exempt from the provisions of CEQA.

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

1. The above recitals are true and correct and are hereby incorporated into this Resolution as findings of the City Council of the City of Rohnert Park.

2. In making its findings the City Council relied upon and hereby incorporates by reference all of the bid materials, correspondence, staff reports and all other related materials.
3. The plans and specifications for the Copeland Creek Bike Path Reconstruction Project No. 2010-08 are hereby approved and adopted.
4. The Project is hereby found to be categorically exempt from CEQA in accordance with the CEQA Guidelines as cited in this resolution.
5. In accordance with California Public Contract Code Section 20160 and following any other applicable laws, the City Council of the City of Rohnert Park hereby finds the bid of Ghilotti Brothers Incorporated for the Copeland Creek Bike Path Reconstruction Project No. 2010-08 to be the lowest, responsive bid and waives any irregularities in such bid in accordance with applicable law.
6. The City Manager is hereby authorized and directed to execute the contract with Ghilotti Brothers Incorporated for the amount of six hundred forty-one thousand three hundred seventy-two dollars and seventy-five cents (\$641,372.75) for construction of the Project in accordance with the bid documents and applicable law upon submission by Ghilotti Brothers Incorporated of all documents required pursuant to the Project bid documents.
7. City staff is hereby directed to issue a Notice of Award to Ghilotti Brothers Incorporated for this project.
8. This Resolution shall become effective immediately.
9. All portions of this resolution are severable. Should any individual component of this Resolution be adjudged to be invalid and unenforceable by a body of competent jurisdiction, then the remaining resolution portions shall continue in full force and effect, except as to those resolution portions that have been adjudged invalid. The City Council of the City of Rohnert Park hereby declares that it would have adopted this Resolution and each section, subsection, clause, sentence, phrase and other portion thereof, irrespective of the fact that one or more section subsection, clause sentence, phrase or other portion may be held invalid or unconstitutional.

DULY AND REGULARLY ADOPTED by the City Council of the City of Rohnert Park this 12th day of June, 2012.

CITY OF ROHNERT PARK

John Padavan

 Mayor



ATTEST:

John M. Currie

 City Clerk

AHANOTU: <u>AYE</u>	BELFORTE: <u>AYE</u>	CALLINAN: <u>AYE</u>	STAFFORD: <u>AYE</u>	MACKENZIE: <u>AYE</u>
AYES: (5) NOES: (0) ABSENT: (0) ABSTAIN: (0)				