

## **RESOLUTION NO. 2014 - 138**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK APPROVING AND ADOPTING THE PLANS & SPECIFICATIONS FOR THE ADRIAN SEWER AND WATER REHABILITATION - PHASE 2, PROJECT NO. 2012- 04 AND AWARDING THE CONTRACT TO CATS4U, INC.**

**WHEREAS**, the plans and specifications for the Adrian Sewer and Water Rehabilitation Project – Phase 2 were designed by Coastland Civil Engineering, Inc, and approved by the Deputy City Engineer; and

**WHEREAS**, the Project was advertised for bids and bids were opened on March 6, 2014; and

**WHEREAS**, six bids were received ranging in price from \$1,993,338 to \$3,255,711; and

**WHEREAS**, Coastland Civil Engineering, Inc., and City staff reviewed all bids for responsiveness; and

**WHEREAS**, Coastland Civil Engineering, Inc., and City staff determined that Cats4U, Inc., submitted the lowest cost bid and is the lowest responsive and responsible bidder; and

**WHEREAS**, within three working days of the bid opening, the second lowest bidder (Argonaut Constructors) filed a bid protest; and

**WHEREAS**, in reviewing the bid protest and the low bid received from Cats4U, there are no irregularities in the Cats4U bid that would render the Cats4U bid a non-responsive bid or warrant rejection.

**WHEREAS**, the Cats4U bid did not include the Contractor's License Declaration, however, this Declaration is no longer required by law and, further, the Council may waive the lack of this Declaration as a minor irregularity.

**WHEREAS**, the Project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to the following authorities: Section 15302(c) of Title 14 of the California Code of Regulations for replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.

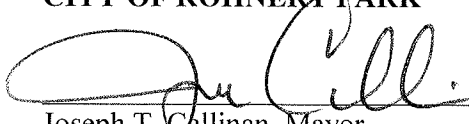
**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Rohnert Park as follows:

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. The plans and specifications for the Adrian Sewer and Water Rehabilitation Project – Phase 2 are hereby approved and adopted.
3. The bid protest filed by Argonaut Constructors has been denied by the City Manager pursuant to Section 3.2 of the Standard Specifications.

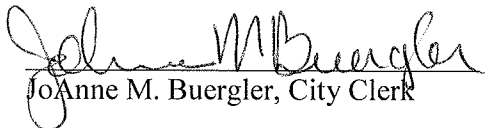
4. The Council waives the minor irregularity in the Cats4U bid submission which did not include Contractor's License Declaration.
5. The Project is categorically exempt from CEQA in accordance with the CEQA guidelines as cited in this resolution.
6. In accordance with California Public Contract Code Section 20160 and following other applicable laws, the City Council of the City of Rohnert Park hereby finds the bid of Cats4U, Inc., for the Adrian Sewer and Water Rehabilitation Project – Phase 2 to be the lowest, responsive bid and waives any irregularities in such bid in accordance with applicable law.
7. The City Manager is hereby authorized and directed to execute the contract with Cats4U, Inc., for the amount of One Million Nine Hundred Ninety-three Thousand Three Hundred Thirty-eight dollars and no cents (\$1,993,338) for construction of the Project in accordance with the bid documents and applicable law upon submission by Cats4U, Inc., of all documents required pursuant to the Project bid documents.
8. City staff is hereby directed to issue a Notice of Award to Cats4U for this project.
9. This Resolution shall become effective immediately.
10. 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 be and 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 8<sup>th</sup> day of April, 2014.

**CITY OF ROHNERT PARK**

  
Joseph T. Callinan, Mayor

**ATTEST:**

  
JoAnne M. Buerger, City Clerk



BELFORTE: AYE MACKENZIE: AYE STAFFORD: AYE AHANOTU: AYE CALLINAN: AYE  
AYES: ( 5 ) NOES: ( 0 ) ABSENT: ( 0 ) ABSTAIN: ( 0 )