

**Resolution No. 2024-XXX N.C.S.
of the City of Petaluma, California**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PETALUMA REJECTING ALL BIDS
FOR THE ELLIS CREEK CHEMICAL UPGRADES PROJECT - PHASE 1 (C66501840)
PURSUANT TO PUBLIC CONTRACT CODE SECTION 20166**

WHEREAS, City staff has prepared construction bid documents and advertised for construction of this Project; and

WHEREAS, in accordance with the City of Petaluma Charter and Municipal Code, California Public Contract Code Section 20162, and other applicable laws, City staff solicited bids for the Project; and

WHEREAS, the project was bid on July 18, 2024, and three (3) bids were received and opened in accordance with applicable law; and

WHEREAS, the lowest responsible bid for the Project was submitted by Myers & Sons Construction, LLC from Sacramento, CA, for \$4,519,269.00, which exceeds the approved project budget for this phase of the project; and

WHEREAS, Petaluma Municipal Code Section 4.04.080(D) states that "The City Council shall reserve the right to reject any or all bids in whole or in part and may waive any irregularities or informalities in any bids"; and

WHEREAS, per Public Contract Code Section 20166, "In its discretion, the legislative body may reject any bids presented and readvertise..."; and

WHEREAS, the proposed action of rejecting all bids and readvertising is not a "project" pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15378 as this is an administrative activity that will not result in direct or indirect physical changes in the environment; and

WHEREAS, the eventual approval of this project is exempt pursuant to the California Environmental Quality Act ("CEQA") and Title 14, the California Code of Regulations ("CEQA Guidelines"), Section 15302. The project is also categorically exempt under CEQA Guidelines Sections 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures) because the project involves improvements to an existing road and the minor expansion of two water lines, both of which qualify as minor improvements to existing facilities.

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

1. Declares the above recitals are hereby declared to be true and correct and are incorporated into this resolution as findings of the City Council.
2. Finds that the proposed action of rejecting all bids and re-advertising is not a "project" pursuant to the California Environmental Quality Act ("CEQA") Guidelines Section 15378 as this is an administrative activity that will not result in direct or indirect physical changes in the environment. Additionally, the

eventual approval of the Project will be categorically exempt pursuant to Title 14, the California Code of Regulations (“CEQA Guidelines”), Section 15302, as the replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, and there are no cumulative impacts, unusual circumstances, or other factors that would make the exemption inapplicable pursuant to CEQA Guidelines Section 15300.2.

3. Rejects all bids for the Ellis Creek Chemical Upgrades Project - Phase 1 (C66501840).

Under the power and authority conferred upon this Council by the Charter of said City.

REFERENCE:

I hereby certify the foregoing Resolution was introduced and adopted by the Council of the City of Petaluma at a Regular meeting on the 5th day of August 2024, by the following vote:

Approved as to
form:

City Attorney

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

City Clerk

Mayor