

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

**RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR SWIM CENTER POOL  
REPLASTERING PROJECT (C14502320) TO BURKETT’S POOL PLASTERING, INC.**

**WHEREAS**, in accordance with the City of Petaluma Charter and Municipal Code, California Public Contract Code Section 20162, and other applicable laws, City staff prepared construction bid documents and solicited bids for the Swim Center Pool Replastering project (C14502320) (“Project”); and

**WHEREAS**, the project was bid on Friday, September 13, 2024, and three (3) bids were received and opened on Tuesday, October 15, 2024, in accordance with applicable law; and

**WHEREAS**, the lowest responsible base bid for the project was submitted by Burkett’s Pool Plastering, Inc. from Ripon, CA, for \$445,518.00; and

**WHEREAS**, staff recommends awarding Bid Alternate #1 in the amount of \$30,000 and Bid Alternate #2 in the amount of \$5,000 for a total contract amount of \$480,518; and

**WHEREAS**, it has been determined that Burkett’s Pool Plastering, Inc., satisfies the bidding requirements for the project; and

**WHEREAS**, no bidders protested Burkett’s Pool Plastering, Inc.’s bid, and the deadline to submit a protest has lapsed; and

**WHEREAS**, staff has verified that Burkett’s Pool Plastering, Inc., possesses a valid C-53 California Contractor’s License (608182) that qualifies Burkett’s Pool Plastering, Inc. to perform the work; and

**WHEREAS**, the Project is categorically exempt pursuant to CEQA Guidelines Sections 15301, Existing Facilities, because the work will occur within the existing swimming pools, there will be no additional structures, and the project will not have any significant negative environmental impacts. There is negligible or no expansion of use beyond what currently exists, and there are no cumulative impacts, unusual circumstances, or other factors that would make the exemption inapplicable; and

**WHEREAS**, a notice of exemption was issued for the project; and

**WHEREAS**, the Public Works Director found this project to be substantially complex due to the number of resources needed to complete the project, including the number of days, workers, and labor; the tasks needed to complete the project; specialty contractor work needed; and the size and impact of the project. Therefore, this is a unique project that is not regularly performed and requires a higher retention amount beyond five percent.

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

1. Declares that the above recitals are true and correct and are incorporated into this Resolution as findings of the Petaluma City Council.
2. Finds that this Project is exempt pursuant to the California Environmental Quality Act (“CEQA”) pursuant to Title 14, the California Code of Regulations (“CEQA Guidelines”), Sections 15301, Existing Facilities.

3. Finds that this Project is substantially complex due to the number of tasks needed to complete the project; the number of resources, specialty contractor work needed; and the size and impact of the project.
4. In accordance with the City of Petaluma Charter and Municipal Code, California Public Contract Code Section 20162, and other applicable law, waives all non-conformance in the bid of Burkett’s Pool Plastering, Inc., for the Project and finds the bid of \$445,518.00 to be the lowest responsible and responsive bid.
5. Awards the contract for the Swim Center Pool Replastering project (C14502320) to Burkett’s Pool Plastering, Inc., in the amount of \$480,518.00, the amount of the lowest responsible and responsive bid and Bid Alternates #1 and #2, conditioned on Burkett’s Pool Plastering, Inc. timely execution of the project contract and submitting all required documents, including but not limited to, executed bonds, certificates of insurance, and endorsements, in accordance with the project bid documents.
6. Directs staff to issue a notice of award to Burkett’s Pool Plastering, Inc.
7. Approves a construction contract contingency of \$120,250.
8. Authorizes and directs the City Manager to execute the project contract on behalf of the City of Petaluma upon timely submission by Burkett’s Pool Plastering, Inc., of the signed project contract and all other required documents, including but not limited to executed bonds, certificates of insurance, and endorsements, in accordance with the project bid documents.

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 18th day of November 2024, by the following vote:

Approved as to  
form:

\_\_\_\_\_  
City Attorney

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor