

Resolution No. 2022-XXX N.C.S. of the City of Petaluma, California

ACCEPTING COMPLETION OF THE DOWNTOWN PEDESTRIAN AMERICANS WITH DISABILITY ACT (ADA) AND SIDEWALK IMPROVEMENTS CONTRACT BY PAT NELSON CONSTRUCTION, INC., WITH CHANGE ORDERS, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE SONOMA COUNTY RECORDER'S OFFICE AND AUTHORIZING THE RELEASE OF THE 10% RETENTION

WHEREAS, in accordance with Section 68 of Article X of the City of Petaluma Charter, Chapter 4.04 of the Petaluma Municipal Code, and other applicable law, the City of Petaluma solicited bids for the Downtown Pedestrian ADA Improvements project ("Project"); and

WHEREAS, the project was bid on January 28, 2021, and ten (10) bids were received and opened on February 18, 2021, in accordance with California Public Contract Code Section 4104.5 and other applicable law; and

WHEREAS, the apparent lowest responsible base bid for the project was submitted by Pat Nelson Construction, Inc., from Petaluma, CA for \$107,200; and

WHEREAS, by Resolution No 2021-030 N.C.S. adopted March 15, 2021, the City Council found the bid of \$107,200.00 for the project to be the lowest responsive bid, awarded the project to Pat Nelson Construction, Inc., conditioned on Pat Nelson Construction, Inc.'s timely executing the project contract and submitting all required documents and authorized and directed the City Manager to sign the project contract on behalf of the City upon such timely submission and to execute on behalf of the City any change orders and other amendments to the project contract that are necessary to effectively complete the project and/or to realize the project and/or cost benefits for the City; and

WHEREAS, the following contract change orders for various improvements fell within the bid alternate for the project, including additional removal and replacement of curb ramps, striping, sidewalk extensions and repairs, bus stop landing pads, concrete pumping, and fence relocation during construction for the amount below have been approved:

	Cost
Change Order #1	\$ 297,939.98
Change Order #2	\$ 46,631.25
Change Order #3	\$ 24,376.00
Change Order #4	\$ 48,686.73
Total Change Orders	\$ 417,633.96; and

WHEREAS, the change orders fell within the bid alternate of the project and were added to the project to address the accessibility of sidewalks and crosswalks and safety issues at these locations, and are attached to the concurrent staff report as attachments; and

WHEREAS, the final contract amount, as amended, including all change orders, overruns, and underruns, is \$524,833.96 and is within the approved project budget; and

WHEREAS, City staff have inspected the project and determined that it has been completed in accordance with the contract requirements subject to the contractor's continuing warranty and other obligations pursuant to the contract; and

WHEREAS, environmental compliance for this project was completed when Council awarded this project on March 15, 2021, and found that this project is categorically exempt pursuant to the California Environmental Quality Act (“CEQA”) pursuant to Article 19, Section 15301(c), of Title 14 of the California Code of Regulations (“CEQA Guidelines”), because the project consists of the repair, maintenance, and minor alteration of existing public facilities involving negligible or no expansion of existing or former use, including sidewalks and gutters; and

WHEREAS, based on the foregoing, staff recommends acceptance of the project on behalf of the City.

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

1. 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 environmental compliance for this project was completed when Council awarded this project on March 15, 2021, and found that this project is categorically exempt pursuant to the California Environmental Quality Act (“CEQA”) pursuant to Article 19, Section 15301(c), of Title 14 of the California Code of Regulations (“CEQA Guidelines”), because the project consists of the repair, maintenance, and minor alteration of existing public facilities involving negligible or no expansion of existing or former use, including sidewalks and gutters.
3. The contract referenced as Downtown Pedestrian ADA and Sidewalk Improvements with a final contract amount of \$524,833.96 is accepted as complete subject to the contractor’s continuing warranty and other obligations pursuant to the contract.
4. The City Clerk is hereby authorized and directed to file a Notice of Completion concerning the Project with the Sonoma County Clerk’s Office within ten (10) days of the date of this Resolution.
5. Staff is hereby authorized and directed to release all undisputed retention not subject to pending change orders within sixty (60) days of the date of this Resolution and in accordance with the terms of the Project contract, the Petaluma City Charter, California Public Contract Code Section 7107, and applicable law.

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 21st day of November 2022, by the following vote:

Approved as to
form:

City Attorney

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

City Clerk

Mayor