

Resolution No. 2023-XXX N.C.S. of the City of Petaluma, California

RATIFYING AWARD OF CONTRACT, ACCEPTING THE COMPLETION OF, AND AUTHORIZING RELEASE OF THE 10% RETENTION FOR THE EMERGENCY REPAIR TO THE ELLIS CREEK WATER RECYCLING FACILITY OXIDATION POND LEVEE AND TRANSFER STRUCTURE BY TEAM GHILOTTI, INC.

WHEREAS, the City of Petaluma owns and operates the Ellis Creek Water Recycling Facility (ECWRF), located at 3890 Cypress Drive, Petaluma, CA; and

WHEREAS, in December 2021, a sinkhole developed on the ECWRF oxidation pond levee due to a corroded corrugated metal pipe connected to a transfer structure; and

WHEREAS, Transfer Structures are inlet and outlet systems for the oxidation ponds, which are critical infrastructure for treating the City's wastewater; and

WHEREAS, a Capital Improvement Program (CIP) project was created to replace all the oxidation pond transfer structures; and

WHEREAS, on January 3, 2023, a second sinkhole developed on the same transfer structure pipe, placing the levee at risk of catastrophic failure; and

WHEREAS, immediate repairs were required to reduce the danger to the City's property while maintaining operations of the ECWRF; and

WHEREAS, on January 4, 2023, Public Works staff, along with the City Attorney's office, deemed repairing the levee and transfer structure an emergency; and,

WHEREAS, the immediacy of the repairs did not allow sufficient time to bid the work through standard procedures; and

WHEREAS, pursuant to Petaluma Municipal Code Section 4.04.050, the City's bidding requirements, "may be dispensed ... when an emergency requires that an order be placed with the nearest available source of supply"; and

WHEREAS, Public Contract Code Section 1102 defines an emergency as "a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services;" and

WHEREAS, the rapid growth of the two sudden and unexpected sinkholes placed the levee, road, and transfer structure adjacent to the sinkholes in imminent danger and required the City to immediately act to mitigate the potential property loss and public services constituted an emergency; and

WHEREAS, the emergency repair work is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities); and

WHEREAS, the repair work was done to repair a failed portion of the Ellis Creek Oxidation Pond levee, which was part of a previously certified Environmental Impact Report; and

WHEREAS, this work was done to repair and restore a damaged facility as a result of a disaster during a state of emergency; and

WHEREAS, therefore is also exempt pursuant to CEQA Guidelines Section 15269 (Emergency Projects); and

WHEREAS, the City of Petaluma awarded a contract to Team Ghilotti, Inc., to complete an emergency repair to the levee and transfer structure before a catastrophic failure occurred; and

WHEREAS, in accordance with the City of Petaluma Charter and Municipal Code, California Public Contract Code Section 21321, and other applicable laws, City staff executed two emergency purchase orders for the emergency repair, with a time and materials combined total not to exceed \$197,560; and

WHEREAS, City staff have inspected the emergency repair and determined that it has been completed in accordance with the emergency purchase order requirements; and

WHEREAS, Team Ghilotti, Inc. has submitted a total invoice in the amount of \$197,560.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Petaluma hereby:

1. Declares the above recitals to be true and accurate and are incorporated as findings of this Resolution.
2. Ratifies the award of contract for the Oxidation Pond Levee and Transfer Structure Emergency Repair to Team Ghilotti, Inc.
3. Finds that the Oxidation Pond Levee and Transfer Structure Repair project constituted an emergency and that the City satisfied its Charter and Municipal Code purchasing requirements.
4. Accepts as complete the Oxidation Pond Levee and Transfer Structure Emergency Repair, with the final contract amount of \$197,560.
5. Authorizes and directs staff 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 emergency purchase orders, 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 17th day of April 2023, by the following vote:

Approved as to
form:

City Attorney

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

City Clerk

Mayor