

**RESOLUTION ACCEPTING COMPLETION OF CONTRACT FOR PHASE ONE OF
THE 1ST & F STREET BRIDGE REPLACEMENT PROJECT, ADJUSTING THE
PROJECT BUDGET, AND AUTHORIZING RELEASE OF THE 10% RETENTION**

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 November 18, 2021, and eight bids were received and opened in accordance with applicable law; and

WHEREAS, the lowest bid for the Project bid was received from Gordon N. Ball, Inc., Inc. in the amount of \$1,395,800; and

WHEREAS, Gordon N. Ball, Inc. formally requested the withdrawal of their bid due to a numerical error made in their bid schedule; and

WHEREAS, by Resolution No. 2022-011 N.C.S., City Council relieved the lowest bidder, Gordon N. Ball, Inc., and awarded the 1st and F Street Bridge Replacement Project to the second qualified lowest bidder, Ghilotti Bros., Inc. in the amount of \$1,768,340 conditioned on the contractor's timely executing the Project contract and submitting all required documents and authorized and directed the City Manager to sign the Project Agreement on behalf of the City; and

WHEREAS, four change orders were approved in the net amount of \$50,988.46 for (1) a reduction in project cost due to some project redesign and value engineering efforts by City staff and consultants, (2) resolution of waterline conflicts (waterline relocation), (3) material cost increases for additional paving, slope stabilization and an ADA curb ramp, and (4) addition of pedestrian railing for safety and revegetation and restoration of the worksite to comply with mitigation requirements set forth by the San Francisco Bay Regional Water Quality Control Board and California Department of Fish and Wildlife.; and

WHEREAS, the final contract amount, as amended, including all change orders, overruns, and underruns, is \$1,819,328.46; and

WHEREAS, the total approved construction contract budget for the project is \$1,819,328 for FY 22/23 and the total final estimated budget for Phase One of the project is \$2,158,037; and

WHEREAS, a budget adjustment will be brought forward in conjunction with the next budget action to cover additional costs that the project incurred under construction change orders and for design and construction management expenditures that exceeded amounts in the adopted FY 22/23 budget; and

WHEREAS, the Project has a Categorical Exemption pursuant to Article 19, Section 15302 of the California Code of Regulations ("CEQA Guidelines") Replacement or Reconstruction, 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; and

WHEREAS, accepting the completion of the Contract does not constitute a Project pursuant to CEQA Guidelines Section 15378 because the action does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

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. This project is categorically exempt pursuant to the California Environmental Quality Act (“CEQA”) pursuant to Article 19, Section 15302(c), of Title 14 of the California Code of Regulations (“CEQA Guidelines”), because the project consists of the replacement of existing public facilities involving negligible or no expansion of existing or former use or capacity and there no cumulative impacts, unusual circumstances or other factors that would make the exemption inapplicable.
3. Further, accepting the completion of the Project does not constitute a Project pursuant to CEQA Guidelines Section 15378 because the action does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.
4. Accepts as complete the contract titled 1st & F Street Bridge Replacement Project, Phase One of Project No. C16402141, with the final contract amount of \$1,819,328.46, subject to the Contractor’s continuing warranty and other obligations pursuant to the contract.
5. Authorizes a budget adjustment to cover additional costs that the project incurred under change orders and additional design and construction management costs that exceeded the adopted FY 2022/23 budgeted amounts.
6. Authorizes and directs the City Clerk 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.
7. 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 Project contract, 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 1st day of May 2023, by the following vote:

Approved as to
form:

City Attorney

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

City Clerk

Mayor