

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

**REJECTION OF ALL BIDS FOR THE PAYRAN-MADISON
WATER AND SEWER MAIN REPLACEMENT PROJECT (C67502225, C66402245)
PURSUANT TO PUBLIC CONTRACT CODE SECTION 20166**

WHEREAS, in accordance with the City of Petaluma Charter and Municipal Codes, California Public Contract Code Section 20162, and other applicable laws, City staff prepared construction bid documents and solicited bids for the Payran-Madison Water and Sewer Main Replacement Project; and

WHEREAS, the project was bid on April 7, 2023, and two (2) bids were received and opened on April 27, 2023, in accordance with applicable law; and

WHEREAS, the lowest responsible bid for the Project was submitted by W. R. Forde Associates, Inc. from Richmond CA, for \$4,397,330, which exceeds the approved project budget; 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 the Payran-Madison Water and Sewer Main Replacement Project will be categorically exempt pursuant to California Environmental Quality Act ("CEQA") and Title 14, the California Code of Regulations ("CEQA" Guidelines"), Section 15301, because the project consists of repair and maintenance to existing water and sewer mains; and

WHEREAS, City Staff recommends the City Council reject all bids due to the third-lowest bidder's bid exceeding the project budget and due to irregularities in the two low bidders' bids.

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

1. Declares that the above recitals are 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 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. Additionally, the eventual approval of the Payran-Madison Water and Sewer Main Replacement Project will be categorically exempt pursuant to California Environmental Quality Act (“CEQA”) and Title 14, the California Code of Regulations (“CEAQ” Guidelines”), Section 15301, because the project consists of repair and maintenance to existing water and sewer mains.
3. Rejects all bids for the Payran-Madison Water and Sewer Main Replacement Project.

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 June 2023, by the following vote:

Approved as to
form:

City Attorney

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

City Clerk

Mayor