

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

RATIFYING AWARD OF CONTRACT, ACCEPTING COMPLETION OF THE EMERGENCY BYPASS PUMPING OF THE ELLIS CREEK WATER RECYCLING FACILITY OUTFALL AS PERFORMED BY TEAM GHILOTTI, INC., AND AUTHORIZING RELEASE OF THE 10% RETENTION

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

WHEREAS, the City of Petaluma awarded a contract to NBC Construction & Engineering, Inc. to complete the Ellis Creek Water Recycling Facility Outfall Relocation Project on August 8, 2022; and

WHEREAS, NBC Construction & Engineering Inc. was unable to complete the project as specified, and demobilized from the site ending on October 26, 2022; and

WHEREAS, the condition of the site on January 12, 2023, did not meet the necessary design discharge for the Ellis Creek Water Recycling Facility outfall; and

WHEREAS, the weather conditions during the winter of 2022-2023 resulted in flows that could have been accommodated by the designed outfall, but without the outfall relocation completed a bypass pumping system was necessary to maintain the safe, functional operation of the Ellis Creek Water Recycling Facility; and

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

WHEREAS, City staff prepared a scope of services and obtained a quote from Team Ghilotti, Inc. for the Emergency Bypass Pumping of the Ellis Creek Water Recycling Facility Outfall (“Emergency Bypass Pumping Project”); and

WHEREAS, the quote submitted by Team Ghilotti, Inc. was found by staff to be fair and reasonable; and satisfies the requirements for the project; and

WHEREAS, staff has verified that Team Ghilotti, Inc. possesses a valid California Contractor’s License, Class A (General Engineering Contractor), number 895384 that qualifies the Contractor to perform the project; and

WHEREAS, an Environmental Impact Report (EIR) for the ECWRF (State Clearinghouse #2001052089) was certified on August 5, 2002, by City Council as Resolution No. 2002-135, with addenda prepared in 2004, 2005, 2006, 2007, twice in 2016; and

WHEREAS, on August 1, 2022, the City Council certified the Water Recycling Facility and River Access improvements Environmental Impact Report Outfall Relocation Addendum, and adopted a Mitigation Monitoring Plan; and

WHEREAS, the project is categorically exempt pursuant to California Environmental Quality Act guidelines section 15301 and Section 15269 which exempts emergency repairs to maintain services or are necessary to mitigate an emergency; and

WHEREAS, the FY 22/23 Capital Improvement Program budget is sufficient to complete the Emergency Restoration Project; and

WHEREAS, the City of Petaluma reserves the right to seek reimbursement of funds due to the inability of NBC Construction & Engineering Inc. to complete the Ellis Creek Water Recycling Facility Outfall Relocation Project; 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 an emergency purchase order for the Emergency Bypass Pumping Project, with a time and materials combined total not to exceed \$126,579.00; and

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

WHEREAS, Team Ghilotti, Inc. has submitted a total and final invoice in the amount of \$112,533.57.

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

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. In accordance with the City of Petaluma Charter and Municipal Code, California Public Contract Code Section 21321, declares that the restoration project constitutes emergency work.
3. Finds that this item is categorically exempt pursuant to CEQA guidelines section 15301 (existing facilities) and Section 15269 which exempts emergency repairs to maintain services or are necessary to mitigate an emergency; and has been addressed in a previously certified environmental impact report and no separate, subsequent, or supplemental review is warranted.
4. Ratifies the contract for the Emergency Bypass Pumping of the Ellis Creek Water Recycling Facility Outfall, to Team Ghilotti Inc., in the amount of \$112,533.57, the amount of the time and materials in accordance with the executed emergency purchase orders.
5. 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.
6. 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 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 5th day of June 2023, by the following vote:

Approved as to
form:

City Attorney

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

City Clerk

Mayor