

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

**AUTHORIZING AWARD OF CONTRACT FOR PHASE 3 OF THE ELLIS CREEK WATER  
RECYCLING FACILITY TERTIARY TREATMENT EXPANSION PROJECT – FILTER  
ADDITIONS AND MISCELLANEOUS IMPROVEMENTS PROJECT TO C. OVERAA & CO.**

**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 has been a member of the North Bay Water Reuse Authority (NBWRA) since 2011 when the City Council authorized the City's participation through the execution of the NBWRA Memorandum of Understanding; and

**WHEREAS**, the NBWRA was created in 2005 to coordinate interagency efforts to promote the use of recycled water in the North Bay; and

**WHEREAS**, the City has participated in the development and preparation of the North Bay Water Reuse Phase 2 Program Feasibility Study, which includes the following City of Petaluma recycled water program expansion projects: 1) Ellis Creek Water Recycling Facility (ECWRF) Tertiary Treatment Expansion Project (Tertiary Project), 2) Urban Recycled Water Program Expansion, and 3) Agricultural Recycled Water Program Expansion; and

**WHEREAS**, on September 17, 2018, by Resolution No. 2018-147 N.C.S, the City Council approved the City of Petaluma projects identified in the North Bay Water Reuse Program Phase 2 Final Environmental Impact Report/Environmental Impact Statement (EIR/EIS); and

**WHEREAS**, the City of Petaluma has received grant funding for recycled water program expansion, of which several grants were received through the City's participation in NBWRA, two of which are for the Tertiary Project totaling \$8.3 million; and

**WHEREAS**, the City is planning for urban (Maria Drive) and agricultural (Adobe Road) recycled water pipeline expansion projects that have multiple sources of grant funding; and

**WHEREAS**, the Tertiary Project would allow the City to produce additional tertiary treated recycled water to meet peak summer demands, future demands for the planned Adobe Road and Maria Drive Recycled Water Pipeline Extension projects, and increasing recycled water demands; and

**WHEREAS**, without the Tertiary Project and increase in tertiary treatment system capacity, the City will not be able to serve the anticipated demand for the Adobe Road project; and

**WHEREAS**, on June 15, 2015, the City Council adopted Resolution 2015-087 N.C.S. authorizing an agreement with Carollo Engineers for the design of the Tertiary Project, and on January 6, 2020, the City Council adopted Resolution 2020-001 N.C.S. to authorize an amendment to the agreement with Carollo Engineers; and

**WHEREAS**, since the 2015 City Council authorization of this project, and subsequent agreement amendment with Carollo Engineers, the design and implementation of the Tertiary Project was split into three phases, of which Phase 1 is complete and Phase 2 is in progress; and

**WHEREAS**, the scope of work for Phase 3 includes the construction of two new structural filtration units that will each have a cloth media filtration system, electrical and controls improvements, and additional pumping capacity, as well as an existing carport, will be replaced by a storage facility/garage that is a necessary addition to support the ongoing operational needs of the facility; and

**WHEREAS**, City staff has prepared construction bid documents and advertised for construction for Phase 3 of the Ellis Creek Water Recycling Facility Tertiary Treatment Expansion Project – Filter Additions and Miscellaneous Improvements Project (“project”); and

**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 noticed for inviting bids on April 28, 2023, and 3 bids were received and opened on June 22, 2023, in accordance with applicable law; and

**WHEREAS**, the lowest responsible base bid for the project was submitted by C. Overaa & Co., from Richmond, CA for \$9,811,000.00; and

**WHEREAS**, the bid submitted by C. Overaa & Co. was found by staff to be fair and reasonable; and satisfies the bidding requirements for the project; and

**WHEREAS**, the City has received no protests concerning the bid, or proposal, and the time to protest the proposal has lapsed; and

**WHEREAS**, Resolution No. 2020-064 N.C.S. of the Petaluma City Council made the findings necessary for sole source procurement of equipment; and

**WHEREAS**, the Water Recycling Facility and River Access Improvements Project Final Environmental Impact Report (EIR), which included the development of 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; 2022; and

**WHEREAS**, the North Bay Water Reuse Authority (NBWRA) Phase 2 Final Environmental Impact Report/Environmental Impact Statement (State Clearinghouse #2017072051) was certified on August 14, 2018, by the NBWRA of which the City of Petaluma is a member agency; and

**WHEREAS**, there is sufficient funding for the project in the Wastewater Enterprise funds and through a Department of Water Resources grant and a Bureau of Reclamation grant via NBWRA; and

**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 compliance with the California Environmental Quality Act for the Phase 3 of the Ellis Creek Water Recycling Facility Tertiary Treatment Expansion Project– Filter Additions and Miscellaneous Improvements

was previously completed with, the Water Recycling Facility and River Access Improvements Project Final Environmental Impact Report (EIR), which included the development of the ECWRF (State Clearinghouse #2001052089) and 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; 2022, the North Bay Water Reuse Authority (NBWRA) Phase 2 Final Environmental Impact Report/Environmental Impact Statement (State Clearinghouse #2017072051).

3. In accordance with the City of Petaluma Charter and Municipal Code, California Public Contract Code Section 20162, and other applicable laws waive any and all non-conformance in the bid of C. Overaa & Co. for the Phase 3 of the Ellis Creek Water Recycling Facility Tertiary Treatment Expansion Project – Filter Additions and Miscellaneous Improvements, a part of project No. C66401416 finds that C. Overaa & Co. is the lowest responsible bidder with a bid of \$9,811,000.00.
4. Authorizes and directs the City Manager to execute the project contract on behalf of the City of Petaluma contingent upon timely submission by C. Overaa & Co., of the signed project contract and all other required documents, including but not limited to, executed bonds, certificates of insurance, and endorsements, in accordance with the project bid documents.
5. Approves a construction contract contingency of \$2,000,000 for Phase 3 of the Ellis Creek Water Recycling Facility Tertiary Treatment Expansion Project – Filter Additions and Miscellaneous Improvements.

Under the power and authority conferred upon this Council by the Charter of said City.

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**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 7<sup>th</sup> day of August 2023, by the following vote:

Approved as to  
form:

\_\_\_\_\_  
City Attorney

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor