

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

### **RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR TURNING BASIN FLOATING DOCK AND PILE INSTALLATION**

**WHEREAS**, City staff has prepared construction bid documents and advertised for construction for the Turning Basin Floating Dock and Pile Installation Project (“Project”); and

**WHEREAS**, in accordance with the City of Petaluma Charter and Municipal Code, California Public Contract Code Section 20162, and other applicable law, City staff solicited bids for the Project; and

**WHEREAS**, the Project was bid on June 16, 2023, through the issuing of a Notice Inviting Bids, and two (2) bids were received and opened on August 10, 2023, in accordance with applicable law; and

**WHEREAS**, the lowest responsible base bid for the Project was submitted by The Dutra Group from San Rafael, CA in the amount of \$1,297,300.00, with bids on two optional bid items, bid alternates #1 and #2, recommended for award totaling \$98,000, for a project total of \$1,395,300.00; and

**WHEREAS**, the bid submitted by The Dutra Group was found by staff to be fair and reasonable; and satisfies the bidding requirements for the Project; and

**WHEREAS**, staff has verified that The Dutra Group possesses a valid California Contractor’s License, Class A (General Engineering Contractor), number 295128 that qualifies the Contractor to perform the Project; and

**WHEREAS**, the City has received no protests concerning the proposal from The Dutra Group, and the time to protest the proposal has lapsed; and

**WHEREAS**, replacement of the docks is categorically exempt under the California Environmental Quality Act (CEQA), under Class 1 (CEQA Guidelines Section 15301) and Class 2 (CEQA Guidelines Section 15302) as demonstrated in the Exemption Justification, dated May 5, 2023 and the Notice of Exemption filed with the County on June 1, 2023 after City Council awarded contract for the fabrication of the docks; and

**WHEREAS**, project permits have been obtained with the exception of the final permits from the Regional Water Quality Control Board and the U.S. Army Corps of Engineers, and per verbal confirmation, we anticipate receiving these final permits by the end of August 2023; and

**WHEREAS**, the City received bids from The Dutra Group for optional bid items, bid alternates #4 and #5, that would cover the cost to remobilize for construction, during the 2024 environmental work window, as a contingency in the unlikely event that the last outstanding permits are not issued on time for construction in 2023; and

**WHEREAS**, the FY 23/24 CIP budget incorporates sufficient funding and appropriations to complete the Project as bid.

**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. Finds this project is categorically exempt under the California Environmental Quality Act (CEQA) and will not have any cumulative impacts, unusual circumstances, or other factors that would make the exemption inapplicable; therefore, the project is exempt under Section 15301 (c), repair and maintenance to existing facilities and Section 15302 (c) a replacement or reconstruction of an existing public facility. The City filed a Notice of Exemption on June 2, 2023 (Attachment 4 of the concurrent staff report) with the County of Sonoma for the Project subsequent to City Council subsequent to City Council's May 1, 2023 action awarding contract for the fabrication. Accordingly, environmental review was already completed and the statute of limitations to challenge the City under CEQA has run.
3. Approves the project budget for the Petaluma River Turning Basin Floating Dock and Pile Installation Contract.
4. In accordance with the City of Petaluma Charter and Municipal Code, California Public Contract Code Section 20162, and other applicable laws, waives any and all non-conformance in the bid of The Dutra Group for the Petaluma River Turning Basin Floating Dock and Pile Installation Project, Project No. C14402010 and finds that The Dutra Group is the lowest responsible bidder with a base bid of \$1,297,300.00.
5. Awards the contract for the Petaluma River Turning Basin Floating Dock and Pile Installation Project, Project No. C14402010 to The Dutra Group, in the amount of \$1,395,300.00, the amount of the lowest responsive bid plus optional bid items, conditioned on The Dutra Group's timely execution of the project contract and submitting all required documents, including but not limited to, executed bonds, certificates of insurance, and endorsements, in accordance with the project bid documents, and receipt by the City of all final project permits.
6. Authorizes and directs the City Manager to execute the project contract on behalf of the City of Petaluma upon timely submission by The Dutra Group, 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, and upon receipt by the City of all final project permits.
7. Authorizes the City Manager to award optional bid items, bid alternates #4 and #5, covering the cost for remobilization during the 2024 construction window in the event the last outstanding permits are not issued on time for construction in 2023.
8. Approves a construction contract contingency of \$209,295.00.

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

<b>REFERENCE:</b>	I hereby certify the foregoing Resolution was introduced and adopted by the Council of the City of Petaluma at a Regular meeting on the 18 <sup>th</sup> day of September 2023, by the following vote:	Approved as to form:
		<hr/> City Attorney
<b>AYES:</b>		
<b>NOES:</b>		
<b>ABSENT:</b>		
<b>ABSTAIN:</b>		
<b>ATTEST:</b>	<hr/> City Clerk	<hr/> Mayor