

**RESOLUTION NO. \_\_\_\_\_ (N.C.S.)**

**A RESOLUTION OF THE SALINAS CITY COUNCIL FOR THE NATIVIDAD CREEK PARK RESTROOM REHABILITATION PROJECT - CIP 9346 BID ACCEPTANCE, PROJECT AWARD, AND EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF SALINAS AND HA CONSTRUCTION**

**WHEREAS**, through its HUD FY 2019-20 Annual Action Plan, the Salinas City Council allocated CDBG Entitlement Funds towards the rehabilitation of the Natividad Creek Park Restroom Rehabilitation Project - CIP 9346 (Project); and

**WHEREAS**, on December 17, 2023, the City published an initial Request for Proposals and received a total of three bids by the stipulated deadline of January 17, 2023; and

**WHEREAS**, on April 4, 2023, following a thorough review of proposals, City Council were advised by CDD staff that two proposals were deemed incomplete and disqualified from consideration and moved to reject the one remaining proposal due to a proposed amount 148% higher than the Project Engineer's estimate; and

**WHEREAS**, on April 7, 2023, the City issued a second Project RFP with a submission deadline of May 9, 2023 and received no bids;

**WHEREAS**, on May 23, 2023, following a review of CDBG regulations and consultation with the City Attorney, City staff initiated contact with two previous RFP respondents, HA Construction and Stellar BG Inc., to directly solicit updated Project bid proposals by June 6, 2023; and

**WHEREAS**, HA Construction was the only respondent to the City's direct solicitation providing a proposal well below the Engineer's estimate for the project in the amount of \$151,000; and

**WHEREAS**, in consideration of potential unforeseen issues that may arise during construction of the Project, the City desires to ensure an adequate amount of funds are made available by including an additional 20% contingency amount in the Project's budget to support the timely completion of the Project; and

**WHEREAS**, the City of Salinas has determined that the project is exempt from the California Environmental Quality Act (CEQA) Guidelines Section 15301 Existing Facilities, Class I (a)(c)(d)(g) as the Project proposes rehabilitation of an existing public restroom facility; and

**WHEREAS**, on April 6, 2021 the CEQA Notice of Exemption for the Project was completed and filed with the County of Monterey; and

**NOW, THEREFORE, BE IT RESOLVED** that the Salinas City Council accepts the bid from HA Construction for the Natividad Creek Park Restroom Rehabilitation Project as being the lowest and best bid; and

**BE IT FURTHER RESOLVED** that Salinas City Council awards the Natividad Creek Park Restroom Rehabilitation Project – CIP 9346 to HA Construction and authorizes the execution of an Agreement Between the City of Salinas and HA Construction in an amount not to exceed \$181,200, inclusive of the \$151,000 bid amount and an approved 20% contingency of \$30,200; and

**BE IT FURTHER RESOLVED** that Salinas City Council approves an increase of up to \$181,200 to the Natividad Creek Park Restroom Rehabilitation Project - CIP 9346 (Project) appropriation(s); and

**BE IT FURTHER RESOLVED** that Salinas City Council approves a transfer of up to \$181,200 from the Community Development Fund to the CIP Fund (CIP 9346); and

**BE IT FURTHER RESOLVED** that Salinas City Council authorizes the City Manager or designee to execute the Agreement Between the City of Salinas and HA Construction and any necessary revisions, amendments and/or change orders applicable to the Natividad Creek Park Restroom Rehabilitation Project as needed.

**PASSED AND APPROVED** this 20<sup>th</sup> day of June 2023, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**APPROVED:**

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Kimbley Craig, Mayor

**ATTEST:**

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Patricia M. Barajas, City Clerk