

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

**A RESOLUTION REJECTING BID PROTESTS AND AWARDING CONTRACTS TO STAPLES CONSTRUCTION CO. INC., NEWTON CONSTRUCTION & MANAGEMENT INC., AND AUSONIO INC., FOR THE JOB ORDER CONTRACTING FOR MISCELLANEOUS TYPE B BUILDING/BUILDING MAINTENANCE WORK; AUTHORIZING THE EXECUTION OF CONTRACT AMENDMENTS, EXTENSIONS**

**WHEREAS**, representatives of the City Clerk of Salinas on December 8, 2016, at a public meeting held in the Rotunda at Salinas City Hall, at Salinas, California, publicly opened, examined, and declared all bids or proposals delivered to or filed with said City Clerk for the Job Order Contracting (JOC) for Miscellaneous Type B Building/Building Maintenance Work in accordance with the specifications for such work filed in the office of said City Clerk on October 26, 2016, and now on file in said office; and

**WHEREAS**, at said bid opening three (3) responsive bidders were determined to be the lowest responsible bidders: STAPLES CONSTRUCTION CO., INC., with a Total Adjusted Adjustment Factor of 1.1208; NEWTON CONSTRUCTION & MANAGEMENT INC., with a Total Adjustment Factor of 1.1310; and AUSONIO INC., with a Total Adjusted Adjustment Factor of 1.2269; and

**WHEREAS**, William A. Thayer Construction Inc. (“Thayer”), submitted a bid protest regarding the bid from Federal Solutions Group on the grounds that it did not have a signed addendum in its bid package as required by the bid specifications; and

**WHEREAS**, Public Works Staff determined that Federal Solutions Group was a non-responsive bidder due to its failure to submit a signed addendum with its bid and due to its failure to register with PlanetBIDs prior to Bid opening as required by the bid specifications; and

**WHEREAS**, Public Works Staff determined that Thayer was a non-responsive bidder due to its failure to register with PlanetBIDs prior to bid opening as required by the bid specifications; and

**WHEREAS**, City staff thereupon reported the results of the bidding to the City Council at its regular meeting on February 7, 2017, and the Council in open session at said meeting examined the report of staff; and

**WHEREAS** The JOC term is one year with 4, one-year renewal options for a maximum of 5 years, amendments to contracts may need to be made during term of contracts.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL** that the protests submitted by William A. Thayer Construction Inc. on December 9, 2016 are hereby rejected.

**BE IT FURTHER RESOLVED** that pursuant to City Code Section 12-21, in reference to the Job Order Contracting (JOC) for Miscellaneous Type B Building/Building Maintenance Work, that all of said bids or proposals are rejected except the bids from STAPLES CONSTRUCTION, INC., NEWTON CONSTRUCTION & MANAGEMENT INC., and AUSONIO INC., (hereinafter referred to as “Successful Bidders”), being the three (3) lowest and only responsive bids (based on the Specification’s criteria for award) which are hereby accepted. The subject contract is hereby awarded to said Successful Bidders for the minimum Job Order contract value of \$50,000 (for life of contract) to each contractor, and a not guaranteed maximum of \$1,000,000 per year, more specifically at the unit prices particularly set forth and contained in the proposal for the JOC for Miscellaneous Type B

Building/Building Maintenance Work, including demolition work, of said successful bidders previously filed in the office of the City Clerk, on October 26, 2016. Said sum shall be paid by the City of Salinas to said Successful Bidder(s) in cash, lawful money of the United States of America, payable at the time and manner specified in the plans and specification and contract documents for the project filed in the office of the City Clerk on October 26, 2016, entitled "JOC for Miscellaneous Type B Building/Building Maintenance Work."

**BE IT FURTHER RESOLVED** that said specification are hereby referred to for all of the details and particulars thereof, and said specification are by reference incorporated in and hereby made a part of this resolution.

**BE IT FURTHER RESOLVED** that the City council on behalf of the City of Salinas, delegates to the City of Salinas Public Works Director, in consultation with the City Attorney, the authority to execute contracts for individual job order contracts as deemed necessary, and any amendments to contract consistent with the Proposal of said Successful Bidder for said work, provided sufficient funding is available therefor.

**PASSED AND ADOPTED** this 7<sup>th</sup> day of February 2017, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**APPROVED:**

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Joe Gunter, Mayor

**ATTEST:**

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Patricia M. Barajas, City Clerk