

RESOLUTION NO. _____ (N.C.S.)

**A RESOLUTION APPROVING THE BID PROTEST FOR
THE 2025 PAVEMENT IMPROVEMENTS PROJECT**

WHEREAS, on May 23, 2025, five bids were electronically received, opened and publicly read via a Zoom meeting for the 2025 Pavement Improvements Project; and

WHEREAS, at the bid opening, McKim Corporation, Granite Construction Co., Granite Rock Co., and Coastal Paving & Excavation Inc indicated on their proposals that they met the requirements of a Local Business Enterprise as defined by Salinas Municipal Code Chapter 12, Article III-A; and

WHEREAS, based on bids received McKim Corporation was the apparent low bidder and Granite Construction was the apparent second low bidder; and

WHEREAS, on May 28, 2025 Granite Construction Company, submitted a Bid Protest contesting McKim Corporation's self-designation as a Local Business Enterprise; and

WHEREAS, Salinas City Code Article III-A Section 12-28.050.(a)(2) states that local preference shall be applied to public works contracts to a local business provider defined as "having its principal business office established at an office space and not a personal residence located within the tri-county area (Monterey County, San Benito County, and Santa Cruz County"; and

WHEREAS, McKim Corporation submitted a bid protest response alleging they have an office in Carmel CA. Staff investigated and has determined McKim Corporation to be headquartered in Santa Clara County (Gilroy, CA), making them ineligible to claim local business preference; and

WHEREAS, following the investigation, staff has determined that the bid protest presented by Granite Construction Co., holds merit; and

WHEREAS, McKim Corporation was notified of City Staff's determination that McKim Corporation's bid was non-responsive; and

WHEREAS, on June 17, 2025, the City Council held a public hearing at which McKim Corporation and Granite Construction, Inc., had the opportunity to provide information for the City Council's consideration regarding the bid protest.

NOW, THEREFORE, BE IT RESOLVED that the Salinas City Council accepts the bid protest submitted by Granite Construction Company contesting McKim Construction's self-designation as a Local Business Enterprise for the 2025 Pavement Improvements Project.

PASSED AND APPROVED this 17th day of June 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Dennis Donohue, Mayor

ATTEST:

Patricia M. Barajas, City Clerk