

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

**A RESOLUTION REJECTING BID PROTEST AND ALL BIDS AND APPROVING
REBID OF THE E. LAUREL DR. AND ST. EDWARDS DR. TRAFFIC SIGNAL
INSTALLATION AND IMPROVEMENTS PROJECT**

WHEREAS, the City received and publicly opened bids on August 22, 2017 for construction of the City's East Laurel Drive and Saint Edwards Drive traffic signal & intersection improvements Project No. 9220 ; and

WHEREAS, the apparent low bidder was Monterey Peninsula Engineering ("MPE") with a bid of \$872,029.50, a bid which was \$212,029.50 (36%) above the engineer's estimate of \$660,000.00; and the second apparent low bidder was The Don Chapin Company, Inc. with a bid of \$973,111.00, and the third bidder was Granite Rock Company with a bid of \$1,114,474.00.

WHEREAS, The Don Chapin Company, Inc. submitted a bid protest on the grounds that (1) MPE failed to register appropriately on the PlanetBIDS website, and (2) that MPE's listed electrical subcontractor, Darrel Varni Electric, Inc., was not bidding on the project. Public Works reviewed the protest and found it to be invalid, determining that (1) MPE had followed the bid Specifications respecting registering as a vendor with the PlanetBIDS website even though MPE did not register on this specific project's PlanetBIDS site, (2) MPE submitted the appropriate notarized documents respecting its submission of Varni as an electrical subcontractor, and (3) Chapin had failed to appropriately file his protest with the City Clerk and did not provide the \$1,000 bid protest fee required by the project Specifications.

WHEREAS, On September 19, 2017, City Council held a public hearing on the matter, hearing both Public Works staff and Don Chapin address the potential award and protest issues. Council required submission of the bid protest fee and continued the hearing, requesting legal analysis by the City Attorney's Office, and on October 10, 2017 examined such analysis via report of staff as well as conducted further public hearing.

NOW, THEREFORE, BE IT RESOLVED that the Salinas City Council hereby rejects the protest(s) submitted by The Don Chapin Company, Inc., refunds the \$1,000 bid protest fee received from The Don Chapin Company, Inc., rejects all bids, and authorizes rebid of the project subsequent to modification of the specifications.

PASSED AND APPROVED this 10th day of October, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Joe Gunter, Mayor

ATTEST:

Patricia M. Barajas, City Clerk