

## **RESOLUTION NO. XXXX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL ADOPTING CERTAIN PLANS AND SPECIFICATIONS, AWARDED A CONTRACT TO ST. FRANCIS, LLC. FOR THE DOWNTOWN UNDERGROUND UTILITIES STREET IMPROVEMENTS PROJECT IN THE AMOUNT OF \$1,871,464 , AUTHORIZING EXPENDITURE OF CONSTRUCTION CONTINGENCY FUNDS NOT TO EXCEED \$280,720, AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND ADMINISTER THAT CERTAIN CONSTRUCTION AGREEMENT WITH ST. FRANCIS ELECTRIC, LLC. FOR THE DOWNTOWN UNDERGROUND UTILITIES STREET IMPROVEMENT PROJECT**

WHEREAS, the City of Morgan Hill, a municipal corporation and general law city duly organized and existing under and pursuant to the Constitution and laws of the State of California (“City”), is authorized to enter into contracts and agreements for the benefit of the City; and

WHEREAS, those certain plans and specifications for the Downtown Underground Utilities Street Improvements Project (the “Project”) were prepared for the City of Morgan Hill (the “Plans and Specifications”); and

WHEREAS, pursuant to all applicable laws of the State of California, the Project was advertised for bids, and on June 11, 2015 City staff publicly opened said bids; and

WHEREAS, four (3) bid proposals were received for the Project ranging in price from \$1,871,464 to \$2,696,346; and

WHEREAS, City staff reviewed all bid proposals submitted for responsiveness; and

WHEREAS, City staff determined that St. Francis Electric, LLC submitted the lowest cost bid and is the lowest responsive and responsible bidder; and

WHEREAS, no valid bid protest was filed with the City in connection with the bid proposals opening for this Project; and

WHEREAS, further reasons supporting the entrance of the City into that certain agreement described in, and that is the subject of, this Resolution are set forth in detail in that certain City Council Staff Report entitled “AWARD OF DOWNTOWN UNDERGROUND UTILITIES STREET IMPROVEMENTS PROJECT ” submitted for City Council consideration at its meeting of June 17, 2015, submitted to the City Council by the City Manager (the “Staff Report”), the contents of which Staff Report are incorporated herein by this reference; and

WHEREAS, the activities allowed under this Resolution are exempt under the provisions of the California Environmental Quality Act of 1970, together with guidelines promulgated thereunder, and more specifically pursuant to Section 15301 of the CEQA Guidelines setting forth a categorical exemption for maintenance of existing facilities; and

WHEREAS, the consideration by City Council of the adoption of this Resolution has been duly noticed pursuant to applicable laws and has been placed upon the City Council Meeting Agenda on the date set forth in the Staff Report, or to such date that the City Council may have continued or deferred consideration of this Resolution, and on such date the City Council conducted a duly noticed public meeting at which the City Council provided members of the public an opportunity to comment and be heard and considered any and all testimony and other evidence provided in connection with the adoption of this Resolution; and

WHEREAS, the City Council determines that adoption of this Resolution is in the public interest.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY FIND, DETERMINE, RESOLVE AND ORDER AS FOLLOWS:

Section 1. Recitals. The City Council does hereby find, determine and resolve that all of the foregoing recitals are true and correct.

Section 2. Plans and Specifications. The City Council does hereby approve the Plans and Specifications.

Section 3. Approval and Authorization. The City Council does further find, resolve, order and/or direct as follows, based upon the entirety of the record and proceedings before it:

- a. That the Project is categorically exempt from CEQA in accordance with the CEQA Guidelines section described in this Resolution; and
- b. That the bid proposal of \$1,871,464 received from St. Francis Electric LLC. is the lowest, responsive bid, that any irregularities in such bid are hereby waived in accordance with applicable law, and that the contract for the Project is hereby awarded to St. Francis Electric LLC, and
- c. That the Construction Agreement with St. Francis Electric LLC. for the Downtown Underground Utilities Street Improvement Project substantially in the form attached hereto as Exhibit A and incorporated herein by this reference (the "Agreement") is hereby approved; and
- d. That the City Manager is hereby delegated authority to and is authorized and directed to execute the Agreement substantially in the form attached hereto as Exhibit A and is further authorized to subsequently administer the Agreement (including the authority to terminate the Agreement to preserve or protect the City's or the public interest); provided, specifically, that the amounts to be paid by City under the Agreement shall in no event exceed One Million Eight Hundred Seventy One Thousand and Four Hundred Sixty Four Dollars (\$1,871,464) for the base bid and Two Hundred Eighty Thousand Seven

Hundred and Twenty Dollars (\$280,720) for construction contingencies, for a total amount authorized not to exceed of Two Million One Hundred Fifty Two Thousand One Hundred Eighty Four Dollars (\$2,152,184) and

- e. That the City Manager is hereby delegated authority to and is authorized to take all other ministerial actions that may be necessary or appropriate to implement the provisions of this Resolution; and

Section 4. This Resolution shall take effect immediately upon adoption.

**PASSED AND ADOPTED** by the City Council of the of the City of Morgan Hill at a Regular Meeting held on the 17<sup>th</sup> day of June 2015 by the following vote:

**AYES: COUNCIL MEMBERS:**  
**NOES: COUNCIL MEMBERS:**  
**ABSTAIN: COUNCIL MEMBERS:**  
**ABSENT: COUNCIL MEMBERS:**

**ATTEST:**

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**IRMA TORREZ**  
City Clerk

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**STEVE TATE, Mayor**

**∞ CERTIFICATION ∞**

**I, Irma Torrez, City Clerk of the City of Morgan Hill, California,** do hereby certify that the foregoing is a true and correct copy of Resolution No. XXXX, adopted by the City Council at the meeting held on June 17, 2015.

**WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.**

**DATE:** \_\_\_\_\_

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**IRMA TORREZ, City Clerk**