

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL
RESCINDING RESOLUTION NO. 15-146, REJECTING ALL BIDS FOR THE EL
TORO FIRE STATION KITCHEN REMODEL PROJECT, AND DIRECTING THE
PUBLIC WORKS DEPARTMENT TO RE-BID THE PROJECT**

WHEREAS, after a public bid process, on June 17, 2015, the City Council awarded the El Toro Fire Station Kitchen Remodel Project (the "Project") to Santa Clara Valley Construction; and

WHEREAS, Santa Clara Valley Construction has failed to provide the City with the necessary bonds and insurance in order to complete the contract for the Project; and

WHEREAS, the City has been unable to get a response from Santa Clara Valley Construction after repeated attempts; and

WHEREAS, the next lowest bid, submitted by Valenti Builders, contained sufficient errors and therefore cannot be awarded the Project; and

WHEREAS, staff recommends the City Council reject all bids and re-bid the Project under Public Contracts Code § 20166; and

WHEREAS, the reasons supporting the City rejecting all bids for the Project and directing the Public Works Department to Re-Bid the Project is the subject of, this Resolution are set forth in detail in that certain City Council Staff Report entitled "Rescind Award of El Toro Fire Station Remodel Project, Reject All Bids and Re-Bid Project" submitted for City Council consideration at its meeting of September 2, 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 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 meeting 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 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 the repair maintenance or minor alteration of existing facilities involving negligible or no expansion; 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. Approval and Authorization. The City Council does further resolve, order and/or direct as follows:

- a. That the award of the contract for the El Toro Fire Station Kitchen Remodel Project (the "Project") to Santa Clara Valley Construction at the City Council meeting of June 17, 2015 is hereby rescinded;
- b. That Resolution No. 15-146, "A Resolution of the City Council of the City of Morgan Hill Adopting Certain Plans and Specifications, Approving and Awarding a Contract to Santa Clara Valley Construction for the El Toro Fire Station Kitchen Remodel Project in the Amount of \$21,163, Authorizing Expenditure of Construction Contingency Funds Not to Exceed \$2,163, and Authorizing the City Manager to Execute and Administer That Certain Construction Agreement with Santa Clara Valley Construction for the El Toro Fire Station Kitchen Remodel Project", is hereby rescinded; and
- c. That the bids received for the Project on June 2, 2015 are hereby rejected; and.
- d. That the Public Works Department is hereby directed to re-bid the Project.

Section 3. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Morgan Hill at its meeting held on this 2nd day of September, 2015 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

COUNCIL MEMBERS:
COUNCIL MEMBERS:
COUNCIL MEMBERS:
COUNCIL MEMBERS:

DATE: _____

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. _____ , adopted by the City Council at the meeting held on September 2, 2015.

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

DATE: _____

Irma Torrez, CITY CLERK