

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AWARDING CONTRACT TO MOUNTAIN CASCADE, INC. FOR THE CONSTRUCTION OF THE HARDING AVENUE SEWER TRUNK LINE PROJECT IN THE AMOUNT OF \$1,777,300, AUTHORIZING EXPENDITURE OF CONSTRUCTION CONTINGENCY FUNDS NOT TO EXCEED \$177,730, APPROVING THE APPROPRIATION OF \$364,030 FROM THE UNAPPROPRIATED SEWER IMPACT FUND TO PROJECT 308C15, ADOPTING PROJECT PLANS AND SPECIFICATIONS, , AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT WITH MOUNTAIN CASCADE, INC. FOR THE HARDING AVENUE SEWER TRUNK LINE 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 Harding Avenue Sewer Trunk Line Project (the "Project") were prepared by City Staff (the "Plans and Specifications"); and

WHEREAS, pursuant to Section 190 of Chapter 3.04 of Title 3 of the Morgan Hill Municipal Code and applicable laws of the State of California, the Project was advertised for bids, and on August 20, 2015 City staff publicly opened said bids; and

WHEREAS, twelve (12) bid proposals were received for the Project ranging in price from \$1,777,300 to \$2,851,085; and

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

WHEREAS, City staff determined that Mountain Cascade, Inc. 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 Harding Avenue Sewer Trunk Line 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, recommended amendments are needed and proposed to the City's previously adopted Annual Budget for Fiscal Year 2015-16, as set forth on Exhibit A to this

Resolution, to appropriate the requisite funds to implement the actions authorized by 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 City facilities involving negligible or no expansion of use of those 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 Mountain Cascade, Inc. 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 Mountain Cascade, Inc.; and
- c. That the Construction Agreement with Mountain Cascade, Inc. for the Harding Avenue Sewer Trunk Line Project, substantially in the form attached hereto as Exhibit B 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 B; provided, specifically, that the amounts to be paid by City under the Agreement shall in no event exceed one million seven hundred seventy seven thousand three hundred dollars (\$1,777,300.00) for the base bid and one hundred seventy seven thousand seven hundred thirty dollars (\$177,730.00) for construction contingencies, for a total amount not to exceed one million nine hundred fifty five thousand thirty dollars (\$1,955,030.00); 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
- f. That an appropriation of three hundred sixty four thousand thirty dollars (\$364,030.00) from unappropriated Sewer Impact funds shall be made; and
- g. That the City's previously adopted Fiscal Year 2015-16 Annual Budget, as the same has been amended to date, is hereby further amended in accordance with and as reflected on Exhibit A attached hereto and incorporated herein by this reference; and
- h. That the City Clerk is hereby authorized and directed to forward a copy of this Resolution to the City's Finance Director, who is hereby authorized and directed to take all actions necessary to implement the terms of this Resolution pertaining to the Fiscal Year 2015-16 Annual Budget of City.

Section 4. 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