

## **RESOLUTION NO.**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL ADOPTING CERTAIN PLANS AND SPECIFICATIONS, AWARDED A CONTRACT TO MONTEREY PENINSULA ENGINEERING FOR THE OAK CANYON BOOSTER STATION REHABILITATION PROJECT, AUTHORIZING THE EXPENDITURE OF CONSTRUCTION CONTINGENCY FUNDS, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THAT CERTAIN CONSTRUCTION AGREEMENT WITH MONTEREY PENINSULA ENGINEERING FOR THE OAK CANYON BOOSTER STATION REHABILITATION 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 Oak Canyon Booster Station Rehabilitation Project (the "Project") were prepared by the City of Morgan Hill (the "Plans and Specifications"); and

WHEREAS, pursuant to Section 190 of Chapter 3.04 of Title 3 of the Morgan Hill Municipal Code and all applicable laws of the State of California, the Project was advertised for bids, and on February 17, 2016 City staff publicly opened said bids; and

WHEREAS, five (5) bid proposals were received for the Project ranging in price from \$1,592,000 to \$1,826,800; and

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

WHEREAS, City staff determined that Monterey Peninsula Engineering 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 OAK CANYON BOOSTER STATION REHABILITATION PROJECT" submitted for City Council consideration at its meeting of March 2, 2016, 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 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 One Million Five Hundred Ninety Two Thousand Dollars (\$1,592,000.00) received from Monterey Peninsula Engineering 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 Monterey Peninsula Engineering, and
- c. That the Construction Agreement with Monterey Peninsula Engineering for the Oak Canyon Booster Station Rehabilitation 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; provided, specifically, that the amounts to be paid by City under the Agreement shall in no event exceed One Million Five Hundred Ninety Two Thousand Dollars (\$1,592,000.00) for the base bid and One Hundred Fifty Nine Thousand and Two Hundred Dollars (\$159,200.00) for

construction contingencies, for a total amount authorized not to exceed One Million Seven Hundred Fifty One Thousand and Two Hundred Dollars (\$1,751,200.00); 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

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 2<sup>nd</sup> day of March, 2016 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 March 2, 2016.

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

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

\_\_\_\_\_  
**Irma Torrez, CITY CLERK**