

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-

Introduced by Council Member _____

RESOLUTION APPROVING ADDENDA NO. 1-3 FOR THE FIRE STATIONS 1-5 IMPROVEMENTS PROJECT, PROJECT NOS. 07476, 07477, 07478, 07479, AND 07480, REJECTING THE BID PROTEST OF D.L. FALK CONSTRUCTION, INC., AND AWARDING THE CONTRACT TO ARNTZ BUILDERS INC.

WHEREAS, by resolution on December 13, 2016, the City Council approved the plans and specifications for the Fire Stations 1-5 Improvements Project, Project Nos. 07476, 07477, 07478, 07479, and 07480, and called for bids to be received on January 24, 2017; and

WHEREAS, on January 11, 2017, Addendum No. 1 was provided to make revisions to the plans and specifications; and

WHEREAS, on January 19, 2017, Addendum No. 2 was provided to make revisions to the plans and specifications, and revised the bid opening date to February 7, 2017; and

WHEREAS, on January 31, 2017, Addendum No. 3 was provided to make revisions to the plans and specifications; and

WHEREAS, on February 7, 2017, four bids were received, ranging from \$6,911,577 to \$9,656,800; Arntz Builders Inc., of Novato, California submitted the low bid in the amount of \$6,911,577, which is 10% below the Engineer's Estimate of \$7,680,000; and

WHEREAS, a written protest was received on February 14, 2017 from D. L. Falk Construction Inc., stating that the low bidder, Arntz Builders Inc., failed to list subcontractors; and

WHEREAS, the City Attorney has reviewed the bid protest and has determined that the omission in Arntz Builders's bid was minor and non-material, and did not affect a change in the bid outcome; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the bid protest from D.L. Falk Construction Inc. received on February 14, 2017 is hereby rejected.

BE IT FURTHER RESOLVED by the City Council of the City of Hayward that Arntz Builders Inc. is hereby awarded the contract for the Fire Stations 1-5 Improvements Project, Project Nos. 07476, 07477, 07478, 07479, and 07480, in an amount of \$6,911,577, in accordance with the plans and specifications adopted therefore and on file in the office of the City Clerk of the City of Hayward at and for the price named and stated in the bid of the hereinabove specified bidder, and all other bids are hereby rejected.

BE IT FURTHER RESOLVED by the City Council of the City of Hayward that the Director of Public Works is authorized to expend up to \$10,830,000 for project design, construction, construction contingency, construction administration, permit fees, inspection, testing, fixtures, furniture, and equipment to complete the project.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute the contract with Arntz Builders Inc., in the name of and for and on behalf of the City of Hayward, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2017

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____

City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward