

HAYWARD CITY COUNCIL

RESOLUTION NO. 17-

Introduced by Council Member \_\_\_\_\_

RESOLUTION APPROVING ADDENDUM No. 1, REJECTING THE BID PROTEST OF SIERRA MOUNTAIN CONSTRUCTION, INC., AND AWARDING THE CONTRACT FOR THE NEW GARIN RESERVOIR AND PUMP STATION IMPROVEMENTS PROJECT, PROJECT NO. 07183, TO SPIESS CONSTRUCTION CO., INC.

BE IT RESOLVED by the City Council of the City of Hayward as follows:

WHEREAS, by Resolution No. 16-224 on December 13, 2016, the City Council approved the plans and specifications for the New Garin Reservoir and Pump Station Improvements Project, Project No. 07183, and called for bids to be received on March 7, 2017; and

WHEREAS, on March 1, 2017, Addendum No. 1 was issued to make minor revisions to the plans and specifications; and

WHEREAS, on March 7, 2017, six (6) bids were received ranging from \$3,389,700 to \$4,631,000; Spiess Construction Co., Inc., of Santa Maria, CA, submitted the low bid in the amount of \$3,389,700, which is 4% above the Engineer's Estimate of \$3,259,000; and

WHEREAS, a written protest was received on March 14, 2017 from Sierra Mountain Construction, Inc., stating that the low bidder, Spiess Construction Co., Inc., and second low bidder, Mountain Cascade, Inc., failed to indicate a System Supplier in its bid form; and

WHEREAS, the City Attorney has reviewed the bid protest and has determined that the omission in Spiess Construction's and Mountain Cascade's bid was minor and non-material, and did not affect a chance in the bid outcome; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the bid protest from Sierra Mountain Construction, Inc., received on March 14, 2017 is hereby rejected.

BE IT FURTHER RESOLVED by the City Council of the City of Hayward that Spiess Construction Co., Inc., is hereby awarded the contract for the New Garin Reservoir and Pump Station Improvements Project, Project No. 07183, 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 final proposal of the hereinabove specified bidder, and all other bids are hereby rejected.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute an agreement with Spiess Construction Co., Inc., in the name of and for and on behalf of the City of Hayward, in an amount not to exceed \$3,389,700, 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