

# Attachment 1

## RESOLUTION 23-XXX

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES APPROVING WRIGHT WAY PROJECT – REJECTING NEWTON CONSTRUCTION'S BID AS NON-RESPONSIVE AND AWARDING CONSTRUCTION AGREEMENT TO JJ FISHER CONSTRUCTION AND CONSTRUCTION MANAGEMENT SERVICES TO CANNON CORPORATION

WHEREAS, the City continues to operate the Municipal Airport for the benefit of the community and the flying public. A key element of airport operation is the leasing of available land for aeronautical service uses and for non-related uses that generate revenue support for airport operations; and

WHEREAS, as developer of the Airport facility, the City is obligated to provide certain off-site improvements for the support of various development projects. This includes new streets and utilities to serve the sites. As new sections of the airport are developed offsite improvements are often required; and

WHEREAS, currently two leases in the southern portion of the Airport are being finalized and will require the completion of the planned Wright Way; and

WHEREAS, on February 1, 2022, City Council directed staff to engage the services of Cannon Corp. to prepare final plans and bid documents to construct Wright Way; and

WHEREAS, bids were advertised and at the bid opening on February 23, 2023, six bids were received ranging from 1,182,900 to \$1,740,00.95. The engineer's estimate was \$1,520,000; and

WHEREAS, the lowest bid included material omissions which impacted the price of the bid and cannot be waived; and

WHEREAS, the City received a Bid Protest from JJ Fisher Construction stating that Newton Construction failed to include a signed acknowledgement of two Bid Addenda. The City reviewed the protest and the bid received from Newton Construction. Bid Addendum No. 1 required bidders to adjust the quantity for Bid Item No. 35 - Minor Concrete Flush Curb. Newton Construction did not adjust the quantity for this bid item. Since Newton Construction did not acknowledge Addendum No. 1 or address the bid quantity change directed by Addendum No. 1, Newton Construction submitted a bid for less than half the quantity specified. This discrepancy impacted the amount of Newton Construction's bid and is thus a material deviation that the City cannot waive. Therefore, the City attorney and staff recommend that the City Council reject Newton Construction's bid as non-responsive, and award the contract to JJ Fischer Construction as the lowest responsive, responsible bidder; and

WHEREAS, Cannon Corp. has submitted a scope of work and fee proposal to provide construction phase engineering, including construction surveying, compaction testing, and monitoring compliance to the project specifications. Their fee is \$233,882.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. All of the above recitals, and the analysis contained in the accompanying staff report, are true and correct and incorporated herein by reference.

Section 2. A mitigated negative declaration was prepared for the 2004 Update to the Airport Master Plan and was certified by the City Council on November 16, 2004. The Airport Master Plan anticipated commercial/industrial and commercial aviation lease sites of approximately 5 acres in size between Dry Creek Road and the airport taxiway to the north. The tentative tract map would retain the development pattern anticipated by the 2004 updated master plan. Consistent with CEQA Guidelines Section 15162, no

# Attachment 1

subsequent environmental analysis is required unless there is substantial evidence of new or increased significant environmental effects. Mitigation measures required for the 2004 Airport Master Plan have been incorporated into the project.

Section 3. The total cost for the construction on Wright Way is \$1,468,449.89 (\$1,234,567.89 plus \$233,882). The Airport Enterprise Fund has an adopted budget for the construction of Wright Way and no other action is required.

Section 4. Reject Newton Construction's bid as non-responsive for the reasons set forth in the staff report, award the construction agreement to JJ Fisher Construction, in the amount of \$1,234,567.89 and engage the services of Cannon Corp. to provide construction phase engineering, in the amount of \$233,882 for the construction of Wright Way

APPROVED this 21<sup>st</sup> day of March, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

---

Steven W. Martin, Mayor

---

Melissa Boyer, City Clerk