

RESOLUTION NO. 2009-90

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE DENYING
A BID PROTEST, AUTHORIZING THE CITY MANAGER TO EXECUTE A
CONSTRUCTION CONTRACT WITH TOP GRADE CONSTRUCTION, INC. FOR THE
ASPHALT CONCRETE OVERLAY AND CURB RAMP IMPROVEMENTS PROJECT
2009 / ELK GROVE BOULEVARD REHABILITATION (BRUCEVILLE ROAD TO
STATE ROUTE 99) PROJECT IN THE AMOUNT OF \$1,672,435.52
AND AUTHORIZING THE CITY ENGINEER TO APPROVE
CHANGE ORDERS NOT TO EXCEED \$250,865**

WHEREAS, as part of the City of Elk Grove's (City) Pavement Maintenance Program, the City performs various surface treatments throughout the City to maintain the quality of its streets; and

WHEREAS, the Asphalt Concrete Overlay 2009 Project, Annual Curb Ramps 2009 Project, and the Elk Grove Boulevard Rehabilitation (Bruceville Road to State Route 99) Project is included in the approved 2008-13 Capital Improvement Program and is budgeted within the approved Fiscal Year 2008-09 budget; and

WHEREAS, an invitation to bid was duly advertised on March 11, 2009 and bids were opened on April 7, 2009; and

WHEREAS, on April 13, 2009, staff received a bid protest letter from the second lowest bidder, Teichert Construction; and

WHEREAS, Top Grade Construction, Inc.'s bid cannot be found non-responsive or unbalanced, based on staff analysis of the bid and available information, and Top Grade Construction, Inc. was determined to be the lowest responsible bidder submitting the lowest responsive bid.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby:

- 1) Denies the bid protest; and
- 2) Authorizes the City Manager to execute a construction contract with Top Grade Construction, Inc. for the Asphalt Concrete Overlay and Curb Ramp Improvements Project 2009 / Elk Grove Boulevard Rehabilitation (Bruceville Road to State Route 99) Project in the amount of \$1,672,435.52 upon receipt of all required bonds and insurance and the approval of such bonds and insurance by the City Attorney and the Risk Manager; and
- 3) Authorizes the City Engineer to approve change orders not to exceed \$250,865.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 13th day of May 2009.



PATRICK HUME, MAYOR of the
CITY OF ELK GROVE

ATTEST:



SUSAN J. BLACKSTON, CITY CLERK

APPROVED AS TO FORM:



SUSAN COCHRAN, CITY ATTORNEY

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2009-90

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) **ss**
CITY OF ELK GROVE)

I, Susan J. Blackston, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on May 13, 2009 by the following vote:

AYES : COUNCILMEMBERS: *Hume, Scherman, Cooper, Davis, Detrick*

NOES: COUNCILMEMBERS: *None*

ABSTAIN : COUNCILMEMBERS: *None*

ABSENT: COUNCILMEMBERS: *None*


Susan J. Blackston, City Clerk
City of Elk Grove, California