

RESOLUTION NO. 2019-218

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AUTHORIZING THE CITY MANAGER TO EXECUTE A MAINTENANCE CONTRACT WITH MCE CORPORATION FOR THE PUBLIC WORKS – PUBLIC INFRASTRUCTURE MAINTENANCE (PIM) (OM1904) PROJECT IN AN AMOUNT NOT TO EXCEED THE AMOUNT BUDGETED FOR THIS WORK THROUGH THE FISCAL YEAR ANNUAL BUDGET PROCESS; AUTHORIZING THE CITY ENGINEER, OR DESIGNEE, TO ISSUE WORK ORDERS UNDER THIS MAINTENANCE CONTRACT IN AN AMOUNT NOT TO EXCEED THE AMOUNT BUDGETED FOR THIS WORK THROUGH THE FISCAL YEAR ANNUAL BUDGET PROCESS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A MAINTENANCE CONTRACT WITH THE SECOND LOWEST RESPONSIVE BIDDER IF THE FIRST LOWEST RESPONSIVE BIDDER DOES NOT MEET FILING OBLIGATIONS (CEQA EXEMPT)

WHEREAS, the Public Works – Public Infrastructure Maintenance (PIM) Project (OM1904) (Project) will result in a full-time Public Works maintenance crew to address citizen concerns and complaints and to provide maintenance services requested through the City's work order tracking system; and

WHEREAS, the Project funding is included in the approved Fiscal Year 2019-20 Operations and Maintenance budget; and

WHEREAS, an invitation to bid was duly advertised on August 30, 2019, and September 6, 2019, and bids were opened on September 24, 2019; and

WHEREAS, a bid protest was received from Arrow Drillers, Inc. dba Arrow Construction; and

WHEREAS, the City has determined that the bid protest lacks merit and fails to comply with the required bid protest procedures; and

WHEREAS, MCE Corporation was determined to be the responsible bidder submitting the lowest responsive bid; and

WHEREAS, Arrow Drillers, Inc. dba Arrow Construction was determined to be the responsible bidder submitting the second lowest responsive bid, and

WHEREAS, approval of this resolution does not constitute the approval of a project under CEQA (Pub. Res. Code §21065, CEQA Guidelines §§15060(c).(2)(3): 15061(b)(3), 15378(a)). and the maintenance activity contemplated under the contract is exempt from CEQA review as maintenance of existing facilities (CEQA Guidelines §15301); therefore, no further environmental review is required and the approval of this resolution and the contract is exempt from CEQA review; and

WHEREAS, the quantities listed for each work task are approximate and not guaranteed; therefore, the Public Works Director or authorized designee shall have the authority to amend quantities or tasks for the duration of the contract.

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

- 1) Authorizes the City Manager to execute a maintenance contract with MCE Corporation for the Public Works – Public Infrastructure Maintenance (PIM) (OM1904) in an amount not to exceed the amount budgeted for this work through the Fiscal Year Annual Budget process upon receipt of all required bonds and insurance and the approval of such bonds and insurance by the City Attorney; and.
- 2) Authorizes the City Engineer, or authorized designee, to issue work orders under this maintenance contract in an amount not to exceed the amount budgeted for this work through the Fiscal Year Annual Budget process; and
- 3) Authorizes the City Manager to execute a maintenance contract with the second lowest responsive bidder and responsible bidder, Arrow Drillers, Inc. dba Arrow Construction, if MCE Corporation does not meet filing obligations; and
- 4) Authorizes the Public Works Director to make amendments related to staffing and equipment as detailed in the bid sheet including Consumer Price Index increases as stated under the terms of the Public Infrastructure Maintenance (OM1904) Contract, so long as such authority has been previously budgeted by the Council.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 9th day of October 2019



STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P HOBBS,
CITY ATTORNEY

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2019-218**

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


I, Jason Lindgren, 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 October 9, 2019 by the following vote:

AYES: **COUNCILMEMBERS:** *Ly, Hume, Detrick, Nguyen, Suen*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



**Jason Lindgren, City Clerk
City of Elk Grove, California**