

RESOLUTION NO. 4363

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD
AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT
WITH CALIFORNIA PAVEMENT MAINTENANCE COMPANY FOR
THE CONSTRUCTION OF 2009 RESURFACING AND STRIPING
FOR A TOTAL OF \$289,177.38**

WHEREAS, the City resurfaces and applies a seal coat to streets and repairs failed pavement as part of the City's Pavement Management System; and

WHEREAS, On December 19, 2008, the City received Proposition 1B funds, which are to be used street related work such as street resurfacing, repair or street construction, in the amount of \$421,624.33; and

WHEREAS, plans and specifications were completed for the construction of the 2009 Street Resurfacing and Striping Project ("Project") and advertised on April 3, 2009 for bidding; and

WHEREAS, on May 6, 2009, the City received and opened four sealed bids for the construction of the Project; and

WHEREAS, the Project specification specifies that the contract will be awarded on the base bid; and

WHEREAS, Staff reviewed the bids and has determined that the lowest bidder, based on the base bid, California Pavement Maintenance Company, was responsive and is qualified to perform the desired work; and

WHEREAS, since Benito Street, Entrada Street, Hector de la Rosa, Market Street and Vosti Ave are in poor condition, Staff recommends that the City Council approve an additional expenditure of \$92,519.20 to repair and apply seal coat to these streets, all of which said work was contained in an alternate bid submitted in response to the bid specifications; and

WHEREAS, Staff recommends the bid be awarded to the lowest responsible bidder, California Pavement Maintenance Company, for the Construction of 2009 Resurfacing and Striping Project for a total of \$289,177.38 (Base Bid of \$196,658.18 with Additional Amount of \$92,519.20 for Alternate Bid); and

WHEREAS, the proposed Project has been determined to be a Class 1 Categorical Exemption from analysis under the California Environmental Quality Act, pursuant to California Code of Regulations Section 15301.

NOW THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Soledad that:

1. The Council hereby awards the base bid for the construction of the 2009 Street Resurfacing and Striping Project to the lowest responsible bidder, California Pavement Maintenance Company for a total of \$289,177.38 (Base Bid of \$196,658.18 with Additional Amount of \$92,519.20 for Alternate Bid), and authorizes the City Manager to enter into a Contract with California Pavement Maintenance Company in the form attached hereto as Exhibit "A" and by this reference incorporated herein. All other bids are hereby rejected and the City Manager or her designee is hereby directed to provide notice of the rejection of all other bids in writing.

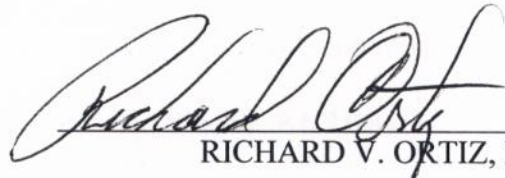
PASSED AND ADOPTED by the City Council of the City of Soledad at a special meeting duly held on the 3rd day of June 2009, by the following vote:

AYES, and in favor thereof, Councilmembers: Richard J. Perez, Juan Saavedra, Patricia Stephens, Mayor Pro Tem Martha Camacho, Mayor Richard Ortiz

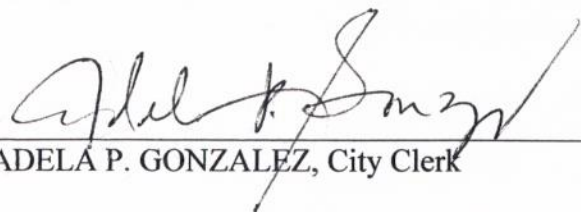
NOES, Councilmembers: None

ABSENT, Councilmembers: None

ABSTAIN, Councilmembers: None


RICHARD V. ORTIZ, Mayor

ATTEST:


ADELA P. GONZALEZ, City Clerk

AGREEMENT

THIS AGREEMENT, made and entered into this 3rd day of June, 2009, by and between City of Soledad, a municipal corporation of the State of California, hereinafter called "City", and California Pavement Maintenance Company, hereinafter called "Contractor",

WITNESSETH

FIRST: Contractor hereby covenants and agrees to furnish and provide all labor, materials, tools, appliances, equipment, plant and transportation, and all other things required or necessary to be furnished, provide or done, and build, erect, construct and complete the work at the time and in the manner provided, and in strict accordance with, the Plans and Specifications therefore, for

2009 RESURFACING AND STRIPING

SECOND: It is expressly understood and agreed that this contract consists of the following documents, all of which are incorporated into this agreement and made a part hereof as fully and completely as if set forth herein verbatim, to wit:

- a. **Instructions to Bidders and General Conditions**
- b. **Advertisement for Bids (Notice to Contractors)**
- c. **Signed and executed Proposal (BID) of Contractor**
- d. **Bid Bond**
- e. **This Agreement.**
- f. **Performance Bond**
- g. **Payment Bond**
- h. **Notice of Award**
- i. **Notice to Proceed**
- j. **Any Mutually Executed Change Orders**
- k. **The aforesaid Specifications**
- l. **ADDENDA: None**
- m. **Design Standards and Standard Specifications, Department of Public Works, City of Soledad, October 2007 Edition, or as amended;**
- n. **Additive bid included in the signed and executed Proposal (Bid) of Contractor**

THIRD: That said Contractor agrees to receive and accept the following prices as full compensation for furnishing all materials and for doing all the work embraced and contemplated in this Agreement as set forth in the Proposal, a true copy thereof hereto attached; also, for all loss or damage arising out of the nature of said work or from the action of the elements or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work until the acceptance thereof by the City of Soledad and for all risk connected with the work, and for well and faithfully completing the work, and the whole thereof, in the manner and according to the said Plans and Specifications and the provisions of this Agreement, and the requirements of the Director of Public Works under them, to wit: The prices as set forth in the Proposal of said Contractor for the work to be constructed under this Agreement, which prices should be considered as though repeated herein.