

RESOLUTION NO. 4364

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD
AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH
DON CHAPIN COMPANY FOR THE CONSTRUCTION OF TRAFFIC SIGNAL ON
FRONT STREET AT OAK STREET FOR A TOTAL OF \$398,477**

WHEREAS, the plans and specifications for the construction of a traffic signal on Front Street at Oak Street were completed in March 2009; and

WHEREAS, the City advertised for bids in the Salinas Californian on April 30; and

WHEREAS, on May 20, 2009 the City received and opened five sealed bids for the construction of traffic signal on Front Street at Oak Street; and

WHEREAS, Staff reviewed the bids and has determined that the lowest bidder, Don Chapin Company, was responsive and is qualified to perform the desired work; and

WHEREAS, Staff recommends the bid be awarded to the lowest responsible bidder, Don Chapin Company, for the construction of traffic signal on Front Street at Oak Street for a total of \$398,477 (Base Bid of \$370,151 with Additional Amount of \$28,326 for Alternate Bid).

NOW THEREFORE, BE IT HEREBY RESOLVED, by the City Council of the City of Soledad that the Council hereby awards the bid for the construction of traffic signal on Front Street at Oak Street to the lowest responsive bidder, Don Chapin Company, in an amount not to exceed \$398,477 (Base Bid of \$370,151 with Additional Amount of \$28,326 for Alternate Bid), and authorizing the City Manager to enter into a Contract with Don Chapin 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.

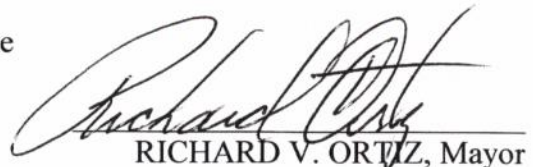
PASSED AND ADOPTED by the City Council of the City of Soledad at a regular meeting duly held on the 3rd June, 2009 by the following vote:

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

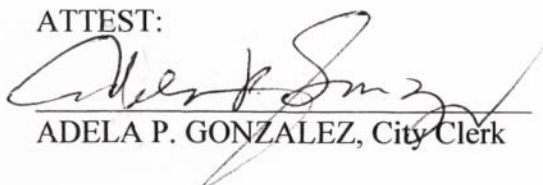
NOES, Councilmembers: None

ABSENT, Councilmembers: None

ABSTAIN, Councilmembers: None


RICHARD V. ORTIZ, Mayor

ATTEST:


ADELA P. GONZALEZ, City Clerk

AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 20____, by and between City of Soledad, a municipal corporation of the State of California, hereinafter called "City", and

_____ of _____
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

CONSTRUCTION OF TRAFFIC SIGNAL AT THE INTERSECTION OF FRONT STREET AND OAK STREET

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 Nos. 1, dated May 13, 2009 respectively.**
- m. **Design Standards and Standard Specifications, Department of Public Works, City of Soledad, October 2007 Edition, or as amended;**

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.

The Contractor and City hereby agree that the Contractor shall perform the work, and be paid as specified in the Proposal of the Contractor, for the total price of three hundred and ninety eight thousand four hundred and seventy seven (\$398,477) dollars.