

RESOLUTION NO. 919

RESOLUTION OF THE BOARD OF PUBLIC UTILITIES OF THE CITY OF SANTA ROSA  
WAIVING AN IRREGULARITY IN THE LOW BID AND AWARDING CONTRACT NO. 08-802  
TO STILES CONSTRUCTION CO. OF WINDSOR, CA, FOR A PLACE TO PLAY IRRIGATION  
PUMP STATION

WHEREAS, bids have been invited for the performance of work for the City of Santa Rosa, generally described as A Place to Play Irrigation Pump Station, Contract Number 08-802; and

WHEREAS, bids were received and opened in accordance with law and the City Engineer has reported thereon; and

WHEREAS, the lowest bidder, Stiles Construction Co. of Windsor, CA, formally submitted a bid that was found to contain an irregularity in that the bid form was unsigned, though the rest of the bid was complete, including a properly executed bid bond;

WHEREAS, the Board of Public Utilities has considered the report and analysis of the City Engineer and its recommendation that the Board waive the irregularity in the lowest bid.

NOW, THEREFORE, BE IT RESOLVED that the Board of Public Utilities of Santa Rosa finds that the irregularity in the bid, namely that the bid form was unsigned, is not a material deficiency; Stiles was bound to its bid and would not have been awarded relief under Public Contract Code § 5103, and therefore the irregularity did not give Stiles an unfair competitive advantage.

BE IT FURTHER RESOLVED that the Board of Public Utilities further finds that waiver of the irregularity in the apparent lowest bid will not result in any favoritism or corruption of the current bidding process.

BE IT FURTHER RESLVED that the Board of Public Utilities hereby waives the irregularity in the low bid and accepts the bid of Stiles Construction Co. of Windsor, CA, in the amount of \$428,365 and awards Contract Number 08-802 to Stiles Construction Co. of Windsor, CA, in the amount of \$428,365 and for performance in accordance with plans and specifications on file in the Office of the City Engineer.

BE IT FURTHER RESOLVED that the Board of Public Utilities authorizes and directs the Chair to execute the contract and the Director of Finance to pay all proper claims for performance of the contract out of Account No. 8388, "A Place to Play – Recycled Water Treatment System".

BE IT FURTHER RESOLVED that in accordance with City Council Policy No. 100-07, "Authorization of Contract Change Orders on Public Works Contracts," the Board of Public Utilities approves a total authorized contract amount of \$492,619.75 (the original contract amount plus a 15% contingency).

DULY AND REGULARLY ADOPTED by the City of Santa Rosa Board of Public Utilities  
this 17<sup>th</sup> day of April, 2008.

AYES: (6) Dowd, Lowe, Downey, Holt, Lindsay and Swinth

NOES: (0)

ABSTAIN: (1) Galvin

ABSENT: (0)

APPROVED: \_\_\_\_\_  
Chair Dowd

ATTEST: \_\_\_\_\_  
Gina Perez, Recording Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney