Folsom City Council
Staff Report

MEETING DATE:	7/12/2022
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 10886 – A Resolution Rescinding Resolution No. 10860 - A Resolution Authorizing the City Manager to Execute a Construction Agreement with Cooper Oates Air Conditioning for the Folsom City Hall Boiler and HVAC Replacement Design-Build Project
FROM:	Parks and Recreation Department

RECOMMENDATION / CITY COUNCIL ACTION

Staff recommends that the City Council approve Resolution No. 10886 – A Resolution Rescinding Resolution No. 10860 - A Resolution Authorizing the City Manager to Execute a Construction Agreement with Cooper Oates Air Conditioning for the Folsom City Hall Boiler and HVAC Replacement Design-Build Project.

BACKGROUND / ISSUE

On May 24, 2022, the City Council approved Resolution No. 10860, which authorized the City Manager to execute a construction agreement with Cooper Oats Air Conditioning (COAC) for the Folsom City Hall Boiler and HVAC Replacement Design-Build Project. Due to a discrepancy, the bidders were not specifically notified that the contract was being considered for award by the City Council at its meeting on May 24, 2022.

POLICY / RULE

In accordance with Chapter 2.36 of the Folsom Municipal Code, City Council approval is required for contracts in excess of $66,141.

In accordance with Section 2.18 of the City of Folsom's Standard Construction Specifications and as stated in the Request for Proposals on this project, all bidders must be provided with notice of the date and time of the City Council meeting at which the award of the contract for the project will be considered. All bidders must be provided with an

opportunity to bring to the City Council's attention disputes and/or protests regarding the bidding process.

ANALYSIS

In order to address the discrepancy in notifying all bidders about the date and time of the City Council meeting at which the award of the contract for this project was considered, it is necessary to rescind Resolution No. 10860 at this time. Staff will bring this item back to the City Council at its regular meeting on July 26, 2022, for consideration of the award of the contract for this project after providing proper notice of that meeting to all bidders.

On June 20, 2022, COAC was notified in writing that the City suspended the award of the contract pending further action by the City Council.

Also on June 20, 2022, all bidders were notified that the Council will consider award of the contract on July 26, 2022.

On June 27, 2022, a bid protest was received on this project. Any protesting bidder will be given the opportunity to bring its disputes and protests to the City Council for consideration on July 26, 2022.

FINANCIAL IMPACT

There is no financial impact on the general fund.

ENVIRONMENTAL REVIEW

This action by the City Council is exempt from environmental review pursuant to Section 15061(b)(3) (Review for Exemption) of the California Environmental Quality Act.

ATTACHMENTS

1. Resolution No. 10886 – A Resolution Rescinding Resolution No. 10860 - A Resolution Authorizing the City Manager to Execute a Construction Agreement with Cooper Oates Air Conditioning for the Folsom City Hall Boiler and HVAC Replacement Design-Build Project
2. Resolution No. 10860 – A Resolution Authorizing the City Manager to Execute a Contract with Cooper Oates Air Conditioning, Inc. for the Folsom City Hall Boiler and HVAC Replacement Design-Build Project

Submitted,

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Lorraine Poggione, Director
Parks & Recreation Department

ATTACHMENT 1

RESOLUTION NO. 10886

A RESOLUTION RESCINDING RESOLUTION NO. 10860, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH COOPER OATES AIR CONDITIONING FOR THE FOLSOM CITY HALL BOILER AND HVAC REPLACEMENT DESIGN-BUILD PROJECT

WHEREAS, on May 24, 2022, the City Council approved Resolution No 10860 - A Resolution Authorizing the City Manager to Execute a Construction Agreement with Cooper Oates Air Conditioning for the Folsom City Hall Boiler and HVAC Replacement Design-Build Project; and

WHEREAS, due to a discrepancy, the bidders were not specifically notified that the contract was being considered for award by the City Council at its meeting on May 24, 2022; and

WHEREAS, in accordance with Section 2.18 of the City of Folsom's Standard Construction Specifications and the Request for Proposals on this project, all bidders must be provided an opportunity to bring to the City Council's attention disputes and/or protests regarding the bidding process.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Folsom that Resolution No. 10860 is hereby rescinded in its entirety.

PASSED AND ADOPTED this 12th day of July 2022, by the following roll-call vote:

AYES: Councilmember(s):
NOES: Councilmember(s):
ABSENT: Councilmember(s):
ABSTAIN: Councilmember(s):

Kerri M. Howell, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

ATTACHMENT 2

RESOLUTION NO. 10860

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH COOPER OATES AIR CONDITIONING, INC. FOR THE FOLSOM CITY HALL BOILER AND HVAC REPLACEMENT DESIGN-BUILD PROJECT

WHEREAS, the City of Folsom has validated the need to replace the existing HVAC, Boiler, and HVAC control systems that have reached the end of their useful life; and

WHEREAS, the City of Folsom HVAC and Boiler Replacement Project will not add any new or significant adverse impacts and is therefore exempt under Article 19 Section 1500.1 of the California Environmental Quality Act (CEQA); and

WHEREAS, this project was publicly advertised on April 14, 2022, and the bids were received on May 3, 2022, with Cooper Oates Air Conditioning, Inc. being the lowest responsive and responsible bidder; and

WHEREAS, funds were budgeted in Fiscal Year 2021-22, with funds received from the American Rescue Plan Act (ARPA) for this project and are currently available; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Folsom authorizes:

1. The City Manager to execute a contract in a form acceptable to the City Attorney, in the amount of $947,825 with Cooper Oates Air Conditioning, Inc. for the City Hall HVAC and Boiler Replacement Project.
2. The City Manager, or designee, to approve project change orders not-to-exceed $142,173 for work associated with unanticipated HVAC infrastructure or structural conditions. The total project budget will be for a not to exceed amount of $1,089,998.;

PASSED AND ADOPTED this 24th day of May 2022, by the following roll-call vote:

AYES: Councilmember(s): Chalamcherla, Kozlowski, Rodriguez, Aquino, Howell

NOES: Councilmember(s): None

ABSENT: Councilmember(s): None

ABSTAIN: Councilmember(s): None

Kerri M. Howell, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK