

## **RESOLUTION NO. R2022-18**

### **A RESOLUTION OF THE CITY COUNCIL FO THE CITY OF GRASS VALLEY AWARDING A CONTRACT FOR THE DOWNTOWN STREETSCAPE IMPROVEMENTS PROJECT NO. 21-12 AND AUTHORIZING THE CITY ENGINEER TO EXECUTE THE AGREEMENT WITH A CHANGE ORDER TO NARROW THE SCOPE OF THE PROJECT**

**WHEREAS**, on December 14, 2021, the City Council authorized the Public Works Department to advertise for bids for the Downtown Streetscape Improvements Project No. 21-12 (“Project”); and

**WHEREAS**, the City of Grass Valley (“City”) received sealed bids for the Project on February 8, 2022 at 3:30 pm and determined that the Sierra Foothills Construction Company proposal in the amount of \$6,741,000 was complete and responsive; and

**WHEREAS**, the City has evaluated the qualification of Sierra Foothills Construction Company and determined they are suited and qualified to act as a design-build entity for the City on the Project; and

**WHEREAS**, the City wishes to contract with Sierra Foothills Construction Company for the Project, but the total amount of the bid exceeds the City’s budget for the project; and

**WHEREAS**, the City has determined narrowing the Project in scope by replacing the brick pavers with colored stamped concrete, replacing the custom fabricated steel planters with stacked rock planters, and replacing the custom trench drains with prefabricated trench drains, along with additional scope of work changes, will bring the Project within the City’s budget; and

**WHEREAS**, the City has complied with the provisions of the Grass Valley Charter (Article XIII “Contracts and Centralized Purchasing”) and Municipal Code (Chapter 3.10 “Design-Build Projects”) by completing a competitive selection process; and

**WHEREAS**, execution of Contract Change Order No. 1 eliminates certain subcontracted work, causes a material deviation from the original contract and complies with the “Subletting and Subcontracting Fair Practices Act” (Public Contract Code Sections 4100-4114) by not requiring substitution of subcontractors; and

**WHEREAS**, the American Rescue Plan Act (ARPA) requires that, where a City uses ARPA funds, the City must comply with Uniform Guidance 2 C.F.R. 200.317–200.327;

**WHEREAS**, the City Council finds the procurement of the Project to be consistent with the Uniform Guidance provisions in that:

1. The City documented a preconstruction bid estimate in compliance with 2 CFR § 200.324(a);
2. The City is negotiating profit as a separate element of the price in compliance with 2 CFR § 200.324(b);

3. The City publicized its request for proposals and solicited from an adequate number of offerors; complied with its written method for evaluating and selecting proposals; awarded the contract to the most advantageous offer; and will make such procurement documents available for federal review in compliance with 2 CFR § 200.325(b).

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRASS VALLEY AS FOLLOWS:**

**Section 1.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2.** The City Council hereby approves a Design-Build Contract between the City and Sierra Foothills Construction Company in the amount of \$6,741,000 and authorizes the Mayor to execute the Agreement on behalf of the City, subject to legal review.

**Section 3.** Contract Change Order No. 1, to reduce the project scope as agreed upon by the City and Sierra Foothills Construction Company and enact a cost savings in the amount of \_\_\_\_\_, is hereby approved.

**Section 4.** The City Clerk shall certify to the adoption of this Resolution.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Grass Valley at a regular meeting held the 26th day of April, 2022, by the following vote:

AYES:

NOES:

ABSENT:

NOT VOTING:

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Ben Aguilar, Mayor  
City of Grass Valley

ATTEST:

APPROVED AS TO FORM:

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Taylor Day, Deputy City Clerk  
City of Grass Valley

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Michael G. Colantuono, City Attorney  
City of Grass Valley