

RESOLUTION NO. 2026-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY REJECTING ACCO ENGINEERED SYSTEMS BID PROTEST AND AUTHORIZING EXECUTION OF THE CONSTRUCTION CONTRACT FOR THE WASTEWATER TREATMENT PLANT BOILER REPLACEMENT PROJECT WITH TNT INDUSTRIAL CONTRACTORS

WHEREAS, the City must make improvements and modifications to the Wastewater Treatment Plant and Collection System in order to meet Waste Discharge Requirements adopted by the California Regional Water Quality Control Board; and

WHEREAS, pursuant to Chapter 3.08 of the Grass Valley Municipal Code, on March 25, 2026, the City issued a Request for Proposals for Project No. 26-01, the Wastewater Treatment Plant Boiler Replacement Project; and

WHEREAS, On April 28, 2026, bids for the Wastewater Treatment Plant Boiler Replacement Project were received and after a review of the bids, TNT Industrial Contractors, Inc.'s bid was determined to be complete; and

WHEREAS, on May 4, 2026, the City received a bid protest letter from ACCO Engineered Systems, which alleged TNT Industrial Contractors, Inc. failed to meet certain requirements in the project documents; and

WHEREAS, after a review of the allegations in ACCO Engineered Systems' protest, the City will reject the bid protest based upon the following:

- 1) TNT Industrial Contractors, Inc. meets the required licensing for this project;
- 2) The installation of the boiler by a C-4 Specialty License is not strictly required by the nature of the contract;
- 3) The scope and nature of the work fall within the broader scope of a Class A General Contractor license;
- 4) TNT Industrial Contractors, Inc. did not misrepresent the portion of the project that will be completed by a subcontractor or the portion of the project that they will self-perform; and
- 5) TNT Industrial Contractors, Inc.'s bid did not violate the Contract Documents or Public Contract Code.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRASS VALLEY, as follows:

1. That the foregoing statements are true and correct; and
2. That the City Council rejects the bid protest from ACCO Engineered Systems and awards the Contract for the Wastewater Treatment Plant Boiler Replacement Project to TNT Industrial Contractors, Inc. in an amount of \$474,551.00 ("Contract Amount");

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- 3. That the Interim City Manager is authorized to execute the construction contract with TNT Industrial Contractors, Inc. awarded under this Resolution and the City Engineer is authorized to approve construction change orders up to 10 percent of the Contract Amount.

- 4. If any section, subsection, sentence, clause, phrase or portion of this Resolution or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution or its application to other persons and circumstances. The City Council of the City of Grass Valley hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

- 5. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED as a Resolution by the City Council of the City of Grass Valley at a regular meeting thereof held on the 26th day of May 2026, by the following vote:

AYES:

NOES:

ABSTAINS:

ABSENT:

By: _____
Hillary Hodge, Mayor

Attest: _____
Taylor Day, City Clerk

Approved as to Form: _____
David J. Ruderman, Esq., City Attorney

CERTIFICATION

I do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the Grass Valley City Council held on May 26, 2026.

City Clerk