

RESOLUTION NO. 2008-275

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE FINDING AN EXCEPTION TO ORDINANCE NO. 9-2008 THAT DISPENSES WITH THE REQUEST FOR PROPOSAL PROCESS IN THE BEST INTEREST OF THE CITY AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSULTANT SERVICES CONTRACT WITH MARK THOMAS AND COMPANY, INC. FOR THE GRANT LINE ROAD WIDENING PROJECT PHASE 1 IN AN AMOUNT NOT TO EXCEED \$589,880

WHEREAS, the Grant Line Road Widening Project addresses the needs to improve safety at the Union Pacific Railroad crossing and increases capacity on Grant Line Road; and

WHEREAS, the City performed a formal Request for Proposal in April 2004, Mark Thomas and Company, Inc. (Mark Thomas) was selected as the best qualified consultant to provide engineering services for the Grant Line Road Widening Project, and the City Council authorized the City Manager to execute a contract with Mark Thomas on August 18, 2004; and

WHEREAS, as part of that contract, Mark Thomas has studied alignment alternatives, assisted with environmental documentation, performed public outreach, performed utility coordination, completed 100% project plans to widen Grant Line Road from Survey Road to Bradshaw Road, and supported right-of-way acquisition; and

WHEREAS, in June 2007 the City Council directed staff to stop preliminary engineering for the Grant Line Road Widening Project, to phase, and/or down-scope the Grant Line Road Widening Project and bring alternatives to the City Council in early 2008; and

WHEREAS, the contract with Mark Thomas expired in November 2007 with an unexpended balance of approximately \$298,126 when the project was on hold; and

WHEREAS, staff recommended phasing the Grant Line Road Widening Project, and Phase 1 is included in the 2008-13 Capital Improvement Program that was approved by City Council on May 28, 2008; and

WHEREAS, Mark Thomas was previously selected by a formal Request for Proposals, has performed a significant amount of work related to the project, and has unique and critical knowledge for the Grant Line Widening Project Phase 1; and

WHEREAS, continuation of the consultant's work is critical for the Grant Line Road Widening Project and city staff has recommended a new contract with Mark Thomas; and

WHEREAS, in Article 4, Section 3.42.140 (B) (6) of the City's Purchasing Ordinance No. 9-2008 , the City Council must make a determination that compliance

with the formal Request for Proposal process is not in the best interest of the City for services exceeding \$100,000.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby:

1. Finds an exception to Ordinance No. 9-2008 in that compliance with the Request for Proposal procedure is not in the best interest of the City for the professional services on the Grant Line Road Widening Project Phase 1 which exceeds \$100,000, because Mark Thomas and Company, Inc. has performed a significant amount of work related to the project and has unique and critical project knowledge; and
2. Authorizes the City Manager to execute a consultant services contract with Mark Thomas and Company, Inc. for the Grant Line Road Widening Project Phase 1 in an amount not to exceed \$589,880.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 10th day of December 2008.



PATRICK HUME, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM



SUSAN J. BLACKSTON, CITY CLERK



SUSAN COCHRAN, CITY ATTORNEY

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2008-275**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Susan J. Blackston, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on December 10, 2008 by the following vote:

AYES : COUNCILMEMBERS: *Davis, Hume, Cooper, Scherman, Detrick*

NOES: COUNCILMEMBERS: *None*

ABSTAIN : COUNCILMEMBERS: *None*

ABSENT: COUNCILMEMBERS: *None*



***Susan J. Blackston, City Clerk
City of Elk Grove, California***