

**RESOLUTION NO. 2012-41**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE FISCAL YEAR 2011-16 CAPITAL IMPROVEMENT PROGRAM AND THE FISCAL YEAR 2011-12 BUDGET BY APPROVING THE ALLOCATION OF \$1,780,000 OF ELK GROVE ROADWAY FEE FUNDS FOR THE LONGLEAF DRIVE BRIDGE PROJECT; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH R.A. NEMETZ CONSTRUCTION COMPANY, INC. FOR THE LONGLEAF DRIVE BRIDGE PROJECT IN THE AMOUNT OF \$1,200,102.50, AND AUTHORIZING THE CITY ENGINEER TO APPROVE CHANGE ORDERS NOT-TO-EXCEED \$180,015.50; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH THE NEXT LOWEST RESPONSIBLE BIDDER IF R.A. NEMETZ CONSTRUCTION COMPANY, INC. DOES NOT MEET FILING OBLIGATIONS**

**WHEREAS**, plans and specifications have been prepared for a construction contract for the Longleaf Drive Bridge Project (Capital Improvement Project ID PT0117) (the "Project"); and

**WHEREAS**, additional funding is required for the construction and construction management of the Project; and

**WHEREAS**, the Project is a project under the California Environmental Quality Act (Section 21000, et seq. of the California Public Resources Code, hereafter CEQA); and

**WHEREAS**, Section 15070 of the State CEQA Guidelines (Division 6 of Chapter 3 of Title 14 of the California Code of Regulations) requires the preparation of a Mitigated Negative Declaration when an initial study identifies potentially significant effects, but those effects will be mitigated to less than significant level through the implementation of mitigation measures; and

**WHEREAS**, on May 25, 2011, the City Council adopted Resolution No. 2011-81, adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approving the Long Leaf Drive Bridge over Elk Grove Creek Project; and

**WHEREAS**, an invitation to bid was duly advertised on February 8, 2012 and bids were opened on March 8, 2012; and


**WHEREAS**, R.A. Nemetz Construction Company, Inc. was determined to be the responsible bidder submitting the lowest responsive bid, and

**WHEREAS**, MCM Construction, Inc. was determined to be the responsible bidder submitting the next lowest responsive bid.

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

- 1) Amends the Fiscal Years 2010-11 through 2015-16 Capital Improvement Program and the Fiscal Year 2011-12 Budget by approving the allocation of an additional \$1,780,000 of Elk Grove Roadway Fee funding for the Longleaf Drive Bridge Project; and
- 2) Authorizes the City Manager to execute a construction contract with R.A. Nemetz Construction Company, Inc. for the Longleaf Drive Bridge Project in the amount of \$1,200,102.50 upon receipt of all required bonds and insurance and the approval of such bonds and insurance by the City Attorney and authorizes the City Engineer to approve change orders not-to-exceed \$180,015.50.
- 3) Finds that should R.A. Nemetz Construction Company, Inc. fail to meet their obligations in executing the construction contract, the City Manager is thereby authorized to execute a construction contract with the next lowest responsible bidder in the amount of \$1,329,697 upon receipt of all required bonds and insurance and the approval of such bonds and insurance by the City Attorney and authorizes the City Engineer to approve change orders not-to-exceed \$199,455.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 14<sup>th</sup> day of March 2012.

  
\_\_\_\_\_  
JAMES COOPER, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
\_\_\_\_\_  
JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
JONATHAN HOBBS,  
INTERIM CITY ATTORNEY

**CERTIFICATION  
ELK GROVE CITY COUNCIL RESOLUTION NO. 2012-41**

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

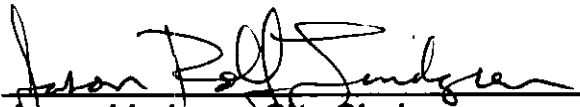
*I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on March 14, 2012 by the following vote:*

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

**NOES:**       **COUNCILMEMBERS:**    **None**

**ABSTAIN :**   **COUNCILMEMBERS:**    **None**

**ABSENT:**    **COUNCILMEMBERS:**    **Davis**

  
**Jason Lindgren, City Clerk**  
**City of Elk Grove, California**