

RESOLUTION NO. 2021-101

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AUTHORIZING THE CITY ENGINEER TO REJECT ALL BIDS RECEIVED FOR THE
PAVEMENT REPAIRS – GRANT LINE ROAD PROJECT (OM2106); AND
DIRECTING THE CITY ENGINEER TO RE-BID THE PROJECT**

WHEREAS, the Pavement Repairs – Grant Line Road Project (OM2106) (Project) includes repairing asphalt pavement at various locations along Grant Line Road (Work); and

WHEREAS, an invitation to bid was duly advertised on February 22, 2021, and March 5, 2021, and electronic bids were received on March 18, 2021; and

WHEREAS, on March 22, 2021, the City received a bid protest from Martin Brothers Construction asserting that the apparent low bidder, All American Construction, Inc., (1) knowingly listed an unlicensed subcontractor in its bid, and (2) incorrectly listed its own contractor's license number. Martin Brothers Construction did not serve a copy of the bid protest on the apparent low bidder as required by the bid protest procedure set forth in the bid documents. Staff has verified that the apparent low bidder has an active contractor's license number; however, one of their subcontractors is currently undergoing a licensing procedure that has not yet concluded; and

WHEREAS, upon review of the subcontractor licensing issue, staff determined that the bid documents should have provided more clarity on subcontractor licensing and that award of the contract to a contractor listing an unlicensed subcontractor could result in Project delays due to the notice and hearing if a substitution of subcontractors is pursued as set forth in Public Contract Code Section 4107; and

WHEREAS, it is in the City's best interest to reject all bids and re-bid the Project; and

WHEREAS, the Project is included in the approved Fiscal Year 2020-25 Capital Improvement Program and is budgeted with funds in the approved Fiscal Year 2020-21 Budget.

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

- 1) Authorizes the City Engineer to reject all bids received on March 18, 2021, for the Pavement Repairs – Grant Line Road Project (OM2106); and
- 2) Directs the City Engineer to re-bid the Project with any necessary revisions(s) to the bid package.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 14th day of April 2021.




BOBBIE SINGH-ALLEN, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2021-101

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

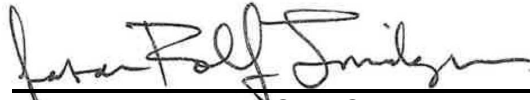
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on April 14, 2021 by the following vote:

AYES: **COUNCILMEMBERS:** *Singh-Allen, Nguyen, Hume, Spease, Suen*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



Jason Lindgren, City Clerk
City of Elk Grove, California