

RESOLUTION NO. 2018-

RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF ROCKLIN AWARDING THE BID AND AUTHORIZING THE CITY MANAGER TO
EXECUTE A CONTRACT WITH PBM CONSTRUCTION INC. FOR THE CONSTRUCTION OF
ADVENTURE PARK RESTROOMS FOR \$632,427.63

WHEREAS, bids for the construction of Adventure Park site-built restrooms, limited utilities, and concrete-asphalt slab, were opened on June 1, 2018, at 1:00 P.M. and examined and found to be in compliance with all applicable specifications; and

WHEREAS, the lowest responsible Base Bid was determined to be \$632,427.63 from PBM Construction, Inc.; and

WHEREAS, the City Council of the City of Rocklin has considered permanent and portable restrooms and desires to construct permanent onsite restrooms within the Adventure Park; and

WHEREAS, the City Council of the City of Rocklin wishes to award the bid to construct the site built restrooms to PBM Construction, Inc.; and

WHEREAS, the City Council of the City of Rocklin wishes to grant the City Manager authority to execute the contract and expend up to an additional 15% contingency, for a total of \$727,292 to construct the permanent bathrooms.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rocklin as follows:

Section 1. The City Council awards the bid for construction of site-built restrooms, limited utilities, and concrete-asphalt slab to PBM Construction, Inc., in the amount of \$632,427.63.

Section 2. The City Council hereby authorizes the City Manager to execute the Agreement with PBM, Inc. attached hereto as Exhibit A and incorporated herein by this reference, for the construction of Rocklin Adventure Park restroom facilities.

Section 3. The City Council hereby authorizes the City Manager to expend up to an additional 15% contingency to build the adventure park restrooms, for a total of \$727,292.

PASSED AND ADOPTED this 10th day of July, 2018 by the following vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:
ABSTAIN: Councilmembers:

Kenneth Broadway, Mayor

ATTEST:

Barbara Ivanusich, City Clerk

legal\engineering\public works\public works bid documents\award bid 04/20/09

EXHIBIT A

CITY OF ROCKLIN

AGREEMENT FOR THE CONSTRUCTION OF THE ROCKLIN ADVENTURE PARK GUEST SERVICES BUILDING UTILITIES AND RESTROOM CONSTRUCTION

THIS AGREEMENT, made and entered into this _____ day of _____, 2018, by and between the CITY OF ROCKLIN, a municipal corporation, (hereinafter referred to as "City"), and PBM, Inc., a corporation duly organized and existing under the laws of the State of California, (hereinafter referred to as "Contractor").

RECITALS

WHEREAS, the City Council of the City of Rocklin has awarded a contract to Contractor for performance of the work set forth herein.

AGREEMENTS

SECTION 1 - SCOPE OF WORK

Contractor agrees to furnish all tools, equipment, apparatus, facilities, labor and materials necessary to perform and complete in a good and workmanlike manner, and in strict accordance with the Contract Documents as defined in section 7 hereof, the work of:

Rocklin Adventure Park Guest Services Building Utilities and Restroom Construction

City of Rocklin, Placer County, California, as called for in the drawings and specifications adopted by the City, which drawings and specifications have been executed by the parties to this agreement. It is understood and agreed that said tools, equipment, apparatus, facilities, labor and materials shall be furnished, and said work performed and completed as required in the Contract Documents, under the direction and supervision of, and subject to the approval of the City and its duly authorized representatives.

SECTION 2 - TIME OF COMPLETION

The work shall be commenced upon issuance of the City's "Notice to Contractor to Proceed" and shall be fully completed no later than 50 Calendar days thereafter, or such additional time as may have been provided by change order, pursuant to the Contract Documents.

Time is of the essence of this agreement.

SECTION 3 - CONTRACT PRICE

City shall pay Contractor for the full and complete performance of this contract the sum not to exceed Six Hundred and Thirty-Two Thousand, Four Hundred and Twenty-Seven Dollars and Sixty-Three Cents, subject to adjustments as provided in the Contract Documents.

SECTION 4 - MONTHLY PROGRESS PAYMENTS

Monthly progress payments shall be made in accordance with Article 23 of the General Conditions of these Contract Documents.

SECTION 5 - FINAL PAYMENT

Final payment shall be made in accordance with Article 25 of the General Conditions of these Contract Documents.

SECTION 6 - ACCEPTANCE OF FINAL PAYMENT AS RELEASE

The acceptance by the Contractor of final payment shall be and shall operate as a release to the City of any and all claims and all liability to the Contractor for all things done or furnished in connection with this work and for every act and/or neglect of the City or others relating to or arising from the work. No payment, however, final or otherwise, shall operate to release the Contractor or his sureties from any obligations under this contract or the performance and payment bonds required by this contract.

SECTION 7 - CONTRACT DOCUMENTS

The complete contract between the parties hereto shall consist of the following documents herein referred to as the "Contract Documents", on file in the Public Services Department:

- Notice and Information to Bidders
- Bid Form
- Designation of Subcontractors
- This Agreement
- Bidder's Bond
- Performance Bond
- Payment Bond
- General Conditions
- Special Provisions
- Contract Drawings and Plans
- Technical Specifications
- Duly Issued addenda

Duly Issued interpretations
Supplemental Drawings issued pursuant to Article 4 of the General Conditions
Shop Drawings and Manufacturers' Instructions approved pursuant to Article 5
of the General Conditions
Approved Change Orders
Contractor's Guarantee and Warranty & Maintenance Bond

Such documents, collectively referred to herein as the Contract Documents, hereby are incorporated herein by this reference and made a part hereof.

SECTION 8 – CONTRACTOR REGISTERED AND QUALIFIED TO PERFORM PUBLIC WORK

A contractor or subcontractor shall not be qualified to bid on, be listed in a bid proposal, subject to the requirements of Section 4104 of the Public Contract Code, or engage in the performance of any contract for public work, as defined in this chapter, unless currently registered and qualified to perform public work pursuant to Section 1725.5 of the Labor Code. It is not a violation of this section for an unregistered contractor to submit a bid that is authorized by Section 7029.1 of the Business and Professions Code or by Section 10164 or 20103.5 of the Public Contract Code, provided the contractor is registered to perform public work pursuant to Section 1725.5 of the Labor Code at the time the contract is awarded.

IN WITNESS WHEREOF, the parties hereto executed this agreement the day and year first above written.

CITY OF ROCKLIN

By: _____
Steven P. Rudolph, City Manager

Contractor:

(Name)

(Official Title)

(Business Address)

(License Number)

APPROVED AS TO FORM:

_____, City Attorney

ATTEST:

Barbara Ivanusich, City Clerk