

RESOLUTION NO. 3078-14

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR
REJECTING A BID PROTEST SUBMITTED BY GRANITE CONSTRUCTION
COMPANY, WAIVING ANY NON-CONFORMITIES IN THE PIAZZA CONSTRUCTION
BID, AWARDING A CONSTRUCTION CONTRACT TO PIAZZA CONSTRUCTION IN
THE AMOUNT OF \$262,981.75 FOR THE CONSTRUCTION OF THE WINDSOR RIVER
ROAD PAVEMENT REPAIR - WEST OF STARR ROAD PROJECT, AND
AUTHORIZING THE TOWN MANAGER TO EXECUTE A CONSTRUCTION
CONTRACT AND ANY REQUIRED CONSTRUCTION CHANGE ORDERS UP TO THE
AUTHORIZED PROJECT BUDGET ON BEHALF OF THE TOWN**

WHEREAS, bids have been invited for the performance of work for the Town of Windsor generally described as the WINDSOR RIVER ROAD PAVEMENT REPAIR-WEST OF STARR ROAD PROJECT; and

WHEREAS, bids were received and opened in accordance with law and the Town Engineer has made his report thereon; and

WHEREAS, Town staff has determined that the Piazza Construction bid satisfies the bidding requirements for the Project; and

WHEREAS, on March 28, 2014, the Town received a Bid Protest letter from Granite Construction Company asserting that the Piazza bid was non-responsive for various reasons as claimed in their Bid Protest; and

WHEREAS, Town staff has consulted with the Town Attorney and has concluded that, in accordance with Town staff's letter to Granite Construction Company dated April 2, 2014; (1) the reasons listed in the Bid Protest for asserting the low bid to be non-responsive are inconsequential non-conformities that the Town Council may lawfully waive, (2) the low bidder Piazza Construction did not obtain an unfair advantage as a result of the alleged non-conformities; and (3) the bid of Piazza Construction may be awarded as the lowest responsive bid received; and

WHEREAS, the Town Council has considered the report of the Town Engineer and as a result has concluded that the bid of Piazza Construction was the lowest responsible bid received.

NOW, THEREFORE, BE IT RESOLVED that the Town Council hereby finds and determines that: the bid non-conformities alleged to exist in the bid of Piazza Construction for Windsor River Road Pavement Repair – West of Starr Road Project according to the Bid Protest submitted by Granite Construction Company dated March 28, 2014, which Protest is attached hereto and made a part of the Resolution as Exhibit A, are inconsequential non-conformities that the Town Council may lawfully waive in accordance with the correspondence from the Town to Granite Construction Company dated April 4, 2014, and attached hereto as Exhibit B. The Town Council hereby waives such non-conformities in the bid of Piazza Construction, if any, and rejects the Bid Protest submitted by Granite Construction Company; and

BE IT FURTHER RESOLVED that the Town Council accepts the bid of Piazza Construction in the amount of \$262,981.75 (Base Bid plus Alternate) and awards the contract to Piazza Construction for the amount indicated and for performance in accordance with plans and specifications on file in the office of the Town Engineer; and

BE IT FURTHER RESOLVED that the Town Council authorizes the Town Manager to execute the contract and the Director of Administrative Services to pay all proper claims for performance of the contract and any required construction change orders up to the authorized project budget on behalf of the Town.

PASSED, APPROVED AND ADOPTED this 7th day of May 2014, by the following vote:

AYES: COUNCILMEMBERS ALLEN, FUDGE, GOBLE, SALMON AND
MAYOR OKREPKIE
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE



BRUCE OKREPKIE, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK