

RESOLUTION NO. 3186-15

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR REJECTING A BID PROTEST SUBMITTED BY VANGUARD CONSTRUCTION COMPANY, AWARDED A CONSTRUCTION CONTRACT TO ROGER COOK GC dba GADDA CONSTRUCTION IN THE AMOUNT OF \$160,685.00 FOR THE CONSTRUCTION OF THE WINDSOR ROAD SIDEWALK GAP CLOSURE 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 ROAD SIDEWALK GAP CLOSURE PROJECT; and

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

WHEREAS, Town staff has determined that the Roger Cook GC dba Gadda Construction (Gadda Construction) bid satisfies the bidding requirements for the Project; and

WHEREAS, on March 4, 2015, the Town received a Bid Protest letter from Vanguard Construction asserting that the Gadda Construction 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; (1) the reasons listed in the Bid Protest for asserting the low bid to be non-responsive are without merit, (2) the low bidder Gadda Construction did not obtain an unfair advantage as a result of the content of the low bid, and (3) the bid of Gadda 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 Gadda Construction was the lowest responsible bid received.

NOW, THEREFORE, BE IT RESOLVED that the Town Council hereby finds and determines that: the allegations regarding the bid of Gadda Construction for Windsor Road sidewalk Closure Project according to the Bid Protest submitted by Vanguard Construction Company dated March 4, 2015, are without merit, and the Bid Protest submitted by Vanguard Construction Company can lawfully be rejected. The Town Council hereby therefore rejects the Bid Protest submitted by Vanguard Construction Company; and

BE IT FURTHER RESOLVED that the Town Council accepts the bid of Gadda Construction in the amount of \$160,685.00 and awards the contract to Gadda 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 Acting Administrative Services Director 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 1st day of April 2015, by the following vote:

**AYES: COUNCILMEMBERS FUDGE, MILLAN, SALMON AND
MAYOR OKREPKIE**

NOES: NONE


ABSTAIN: NONE

ABSENT: COUNCILMEMBER FOPPOLI



BRUCE OKREPKIE, MAYOR

ATTEST:



**IRENE CAMACHO-WERBY,
DEPUTY TOWN CLERK**