

RESOLUTION NO. 2714-10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR REJECTING A BID PROTEST SUBMITTED BY CATS4U, INC., AWARDING A CONSTRUCTION CONTRACT TO FORT BRAGG ELECTRIC, INC. FOR THE RECLAMATION PLANT NO. 3 WATER SYSTEM UPGRADES PROJECT, AND AUTHORIZING THE TOWN MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT ON BEHALF OF THE TOWN

WHEREAS, bids have been invited for the performance of work for the Town of Windsor, generally described as the Reclamation Plant No. 3 Water System Upgrades Project; and

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

WHEREAS, staff has determined that the Fort Bragg Electric, Inc. bid satisfies the bidding requirements for the Project; and

WHEREAS, by facsimile on June 1, 2010, the Town received a letter on behalf of Cats4U, Inc., the apparent second low bidder for the project, protesting award of the project to Fort Bragg Electric, Inc. and asserting that the bid of Fort Bragg Electric, Inc. is non-responsive for various reasons as claimed in their bid protest; and

WHEREAS, that Town Staff has consulted with the Town Attorney and has concluded that, in accordance with the staff's letter to Cats4U, Inc. dated June 16, 2010, (1) the reasons listed in the protest for asserting the low bid to be non-responsive, if they involve non-conformities in the bid of Fort Bragg Electric, Inc., involve inconsequential non-conformities that the Town Council may lawfully waive; (2) the low bidder, Fort Bragg Electric, Inc., did not obtain an unfair advantage as a result of the alleged bid non-conformities; and (3) the bid of Fort Bragg Electric, Inc. may be awarded as the lowest responsible bid received; and

WHEREAS, the Town Council has considered the report of the Public Works Director/Town Engineer.

NOW, THEREFORE, BE IT RESOLVED that the Town Council hereby approves the plans and specifications for construction of the Reclamation Plant No. 3 Water System Upgrades Project on file in the office of the Public Works Department; and

BE IT FURTHER RESOLVED that the Town Council hereby finds and determines that; the bid non-conformities alleged to exist in the bid of Fort Bragg Electric, Inc. for the Reclamation Plant No. 3 Water System Upgrades Project according to the bid protest submitted by Cats4U, Inc. dated May 28, 2010, which protest is attached to and made a part of this resolution as Exhibit A, are inconsequential non-conformities that the Town Council may lawfully waive in accordance with the correspondence received from Fort Bragg Electric, Inc. attached to and made a part of this resolution as Exhibit B and the correspondence from the Town to Cats4U dated June 16, 2010, attached to and made a part of this resolution as Exhibit C. The Town Council hereby waives such non-conformities in the bid of Fort Bragg Electric, Inc., if any, and rejects the bid protest submitted by Cats4U, Inc.; and

BE IT FURTHER RESOLVED that the Town Council accepts the bid of Fort Bragg Electric, Inc. in the amount of \$226,590.00, reflecting the submitted bid, and awards to Fort Bragg Electric, Inc. the contract for construction of the Reclamation Plant No. 3 Water System Upgrades Project in accordance with the plans and specifications on file in the office of the Public Works Director/Town Engineer, for the amount indicated; and

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


PASSED, APPROVED AND ADOPTED this 7th day of July 2010, by the following vote:

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



SAM SALMON, MAYOR

ATTEST:



BRIGITTE GRAHAM, DEPUTY TOWN CLERK