

RESOLUTION NO. 2011-19

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMOORE
AWARDING THE 2011 STREET PAVING PROJECT TO RJ BERRY JR, INC. AS THE
LOWEST RESPONSIVE AND RESPONSIBLE BIDDER**

WHEREAS, the City solicited bids for its 2011 Street Paving Project; and

WHEREAS, bids were opened on April 21, 2011; and

WHEREAS, nine (9) bidders submitted bids for the Project; and

WHEREAS, the apparent low bidder, Emmett Valley Construction (“Emmett”), submitted an incomplete and non-responsive bid in that the Emmett bid did not include a required list of materials suppliers even though the bid call required that the list of materials suppliers be included with the bid; and

WHEREAS, Emmett submitted the required supplier list after the bid opening; and

WHEREAS, the second low bidder, RJ Berry Jr., Inc. (“RJ Berry”), submitted a responsive bid and included the list of materials suppliers, as required by the bid call; and

WHEREAS, the City has considered whether fairness requires that the Emmett bid be rejected as non-responsive if allowing Emmett to submit the required list of materials suppliers after the bid opening could introduce an unfairness into the bidding process and disadvantage other bidders who complied and timely supplied a materials suppliers list with their bid; and

WHEREAS, the City Council has reviewed the Staff Report, correspondence submitted on behalf of Emmett and correspondence submitted on behalf of RJ Berry; and

WHEREAS, the City Council has determined to award the contract and work for its 2011 Street Paving Project to RJ Berry Jr., Inc. in accordance with its bid.

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

1. The City of Lemoore 2011 Street Paving Project and contract is hereby awarded to RJ Berry Jr., Inc. in accordance with its base bid in the amount of \$744,062.50. The Council determines that the RJ Berry Jr., Inc. bid was the lowest responsive and responsible bidder. The bid alternate in the amount of \$83,554.00 is also included in the bid award.

2. The bid of Emmett Valley Construction is rejected as non-responsive. This determination is made because Emmett Valley Construction submitted an incomplete bid in that it failed to timely include a required disclosure of its suppliers and delivered the disclosure list after the bid opening. The Council further determines that waiving the requirement of a mandatory

disclosure form such as a list of materials suppliers would introduce unfairness into the bidding process which could disadvantage other bidders who provided the materials list with their bid on time.

2. The City Manager is hereby authorized to execute such agreements and related documents as may be necessary to initiate construction of the 2011 City of Lemoore Street Paving Project.

PASSED AND ADOPTED by the City Council of the City of Lemoore held on the 17th day of May, 2011 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: _____
Willard J. Rodarmel, Mayor

ATTEST:

Nanci C. O. Lima, MMC
City Clerk

CERTIFICATE

**STATE OF CALIFORNIA)
COUNTY OF KINGS) SS
CITY OF LEMOORE**

I, Nanci C.O. Lima, City Clerk of the City of Lemoore, do hereby certify the foregoing Resolution of the City Council of the City of Lemoore was duly passed and adopted at a Regular Meeting of the City Council held on the 17th day of May, 2011.

Dated: May 18, 2011

Nanci C. O. Lima, MMC
City Clerk