

RESOLUTION NO. 2021-____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA (1) RESCINDING CITY COUNCIL RESOLUTION NO. 2021-001 AND CANCELLING THE AWARD OF THE CONTRACT FOR THE “MAJOR PAVEMENT REHABILITATION” FY 2018/2019 (STM0397)” PROJECT TO FRANK AND SON PAVING, INC. AND (2) AWARDING THE PROJECT CONTRACT TO THE NEXT APPARENT LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, HAZARD CONSTRUCTION COMPANY, IN THE AMOUNT OF \$2,082,419.70

WHEREAS, Chula Vista Municipal Code section 2.56.160 authorizes the City to contract for public works; and

WHEREAS, on January 5, 2021, the City Council adopted Resolution No. 2021-001 awarding the “Major Pavement Rehabilitation FY 2018/2019 (STM0397)” project (Project) contract to Frank and Son Paving, Inc. in the amount of \$2,044,644.72; and

WHEREAS, on January 7, 2021, City staff issued a Notice of Award notifying Frank and Son Paving, Inc. that it was required, per the Project’s bid specifications/requirements, to complete and provide a Bond for Material and Labor, Bond for Faithful Performance, Certificates of Insurance, Guarantee, Non-Collusion Affidavit, and Worker’s Compensation Insurance Declaration by no later than ten (10) days after Project award, and identifying the due date as January 22, 2021; and

WHEREAS, upon receipt of a request from Frank and Son Paving, Inc., City staff granted a one-week extension, until January 29, 2021, to complete and provide the required bonds for the Project; and

WHEREAS, Frank and Son Paving, Inc. failed to timely complete and provide the Project bonds in accordance with Section 10 of the Bid Proposal and Conditions, the Bidder’s Bond to Accompany Bid Proposal, and staff’s grant of extension; and

WHEREAS, on February 2, 2021, staff notified Frank and Son Paving, Inc. that it had failed to timely complete and provide the Project bonds and that City staff intended to recommend rescinding the award to Frank and Son Paving, Inc. and proceed with award of the Project contract to the next apparent low bidder; and

WHEREAS, staff has determined that the bid submitted by the next apparent low bidder, Hazard Construction Company, is responsive in all material respects to the bid specifications/requirements, and that Hazard Construction Company is the lowest responsive and responsible bidder; and

WHEREAS, staff recommends: (1) rescinding City Council Resolution No. 2021-001 and cancelling the award of the Project contract to Frank and Son Paving, Inc. and (2) awarding the Project contract to Hazard Construction Company in the amount of \$2,082,419.70

WHEREAS, staff intends to seek forfeiture of the security in Frank and Son Paving, Inc.'s Bidder's Bond in the amount of \$37,774.98 to cover the difference between Frank and Son Paving Inc.'s bid price and Hazard Construction Company's bid price.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Chula Vista rescinds City Council Resolution No. 2021-001 and cancels the award of the "Major Pavement Rehabilitation FY 2018/2019" (STM0397) project contract to Frank and Son Paving, Inc.

BE IT FURTHER RESOLVED that the City Council of the City of Chula Vista awards the contract for the "Major Pavement Rehabilitation FY 2018/2019" (STM0397) project to Hazard Construction Company in the amount of \$2,082,419,70.

BE IT FURTHER RESOLVED that the City Council of the City of Chula Vista authorizes the Mayor, or designee, to execute the project contract on behalf of the City of Chula Vista, and directs a copy to be kept on file with the Office of the City Clerk.

Presented by

Approved as to form by

William S. Valle
Director of Engineering and Capital Projects

Glen R. Googins
City Attorney