

**RESOLUTION NO. 23-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, AWARDING A CONSTRUCTION CONTRACT TO 4 SEASONS ROOFING, INC. FOR THE CITY HALL AND VETERANS NEIGHBORHOOD LIBRARY REROOFING PROJECT, ALLOCATING FUNDING TO COVER THE PROJECT COST SHORTFALL, AND AUTHORIZING CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES BY TRANSTECH ENGINEERS, INC. PURSUANT TO THEIR ON-CALL PROFESSIONAL CONSULTING SERVICES AGREEMENTS**

**WHEREAS**, On July 23, 2024, the City Council approved the Capital Improvement Program (CIP) for Fiscal Year 2024/2025 which included \$600,000 for the City Hall and Veterans Neighborhood Library Reroofing Project (Project); and

**WHEREAS**, On January 15, 2025, staff advertised the bid package for the Project; and

**WHEREAS**, In response to the solicitation for bids, thirteen (13) bids were submitted to the City during the Bid Opening held on March 4, 2025; and

**WHEREAS**, Southland Roofing, Inc. is considered to be non-responsive as they failed to respond to Addendum 1 and submit bid amounts for all the bid items even though they acknowledged having received Addendum 1; and

**WHEREAS**, Following the bid opening, the City received an intent-to-protest letter from Letner Roofing, the third-lowest bidder, challenging the bids submitted by Southland Roofing and 4 Seasons Roofing, see attached. Letner Roofing's protest cited Southland Roofing's failure to submit the correct bid form provided with Addendum 1, a deficiency that the City acknowledged and used to deem Southland Roofing non-responsive. Additionally, the protest also stated that 4 Seasons Roofing failed to notarize all required documents which are the Bid Proposal Form, Bidder Information Form, and Non-Collusion Affidavit Form as specified in the Bid Package.

**WHEREAS**, The City's attorney reviewed 4 Seasons Roofing's bid submittal and determined that the missing notarizations constituted as a non-material error that could be waived. Since the omission did not alter 4 Seasons Roofing's commitment to fulfilling the bid requirements nor provide them with an unfair advantage, the City exercised its discretion to request the wet-notarized forms prior to the Council award. 4 Seasons Roofing has since provided the notarized forms, and upon completing staff's bid analysis including verification of their California contractor's license, Department of Industrial Relations (DIR) registration, state and federal debarment status, and references they have been confirmed as the lowest responsive and responsible bidder.

**WHEREAS**, Based on the bid analysis and due diligence conducted by the City,

the lowest responsive and responsible bidder is determined to be 4 Seasons Roofing, Inc.; and

**WHEREAS**, Staff is recommending award of a construction contract to 4 Seasons Roofing, Inc. in the amount of \$765,690.00 for the total Base Bid Schedule amount; and

**WHEREAS**, Staff recommends approval of up to 15% of construction contract for Contingencies; and

**WHEREAS**, Staff recommends that Transtech Engineers, Inc. be authorized to provide construction management and inspection services pursuant to their existing on-call agreements for consultant services; and

**WHEREAS**, The total estimated cost of this project including construction contract, contingencies, construction management, and inspection services is \$968,597.85 of which \$600,000 is budgeted in in Measure AA Funds Account #41-5180-57010.14137. However, an additional \$368,597.00 funds are required to cover the project cost shortfall.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMMERCE DOES HEREBY RESOLVE, DECLARE AND DETERMINE AS FOLLOWS:**

**Section 1.** The City Council of the City of Commerce hereby finds and declares that the foregoing recitals are true and correct, and incorporates them herein as findings and as a substantive part of this Resolution.

**Section 2.** The City Council finds Southland Roofing, Inc. 's bid to be non-responsive.

**Section 3.** Irregularities in 4 Seasons Roofing, Inc.'s bid is hereby waived as insubstantial and not affecting the fair bidding process. A construction contract to 4 Seasons Roofing, Inc., as the lowest responsive and responsible bidder, for the City Hall and Veterans Neighborhood Library Reroofing Project in the amount of \$765,690.00 is hereby awarded and the Mayor is authorized to execute the contract in a form approved by City Attorney.

**Section 4.** Allocates an additional \$368,597.00 from Measure AA Funds to cover the total project cost shortfall.

**Section 5.** Authorize Construction contingencies of up to \$114,853.50 (15% of construction contract) for unforeseen conditions.

**Section 6.** Authorize Construction Management and Inspection Services for up to \$88,054.35 (10% of the total Construction Contract and Contingencies).

**Section 7.** Authorize Transtech Engineers, Inc. to proceed with Construction Management and Inspection pursuant to their existing on-call agreement for consultant services.

**Section 8.** Make a finding and determination that the City Hall and Veterans Neighborhood Library Reroofing Project is exempt from further CEQA review pursuant to Administrative Code, Title 14, Chapter 3, Section 15301, Class 1, because the Project consists of Restoration or rehabilitation of deteriorated or damaged structures or facilities to meet current standards of public health and safety; and pursuant to said findings, direct staff to prepare and file corresponding Notice of Exemption.

**Section 9.** Authorize the Mayor to execute this Resolution for and on behalf of the City of Commerce.

**Section 10.** This Resolution shall take full force and effect immediately upon adoption by the City Council.

**PASSED, APPROVED and ADOPTED this 8<sup>th</sup> day of April 2025.**

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Ivan Altamirano, Mayor

ATTEST:

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Lena Shumway, City Clerk