

RESOLUTION NO. 2009-224

Adopted by the Sacramento City Council

April 14, 2009

REJECTING AND ADOPTING FINDINGS OF FACT ISSUED BY THE HEARING EXAMINER IN CONNECTION WITH A BID PROTEST FILED BY MADSEN ROOF COMPANY; REJECTING THE HEARING EXAMINER'S RECOMMENDATION THAT THE CITY WAIVE THE ERRORS AND OMISSIONS IN D7 ROOFING SERVICES' BID; GRANTING MADSEN'S BID PROTEST AND REJECTING D7'S BID AS NON-RESPONSIVE; AWARDING THE CONSTRUCTION CONTRACT FOR THE MEMORIAL AUDITORIUM ROOF REPAIR PROJECT (M17101000) TO MADSEN ROOF COMPANY IN AN AMOUNT NOT TO EXCEED \$519,883

- A. City Code Chapter 3.60 identifies the general guidelines for completing contracts for public projects and procedures for bidding and issuing contracts over \$100,000. The City received four bids for roof repair work at the Memorial Auditorium on October 29, 2008. On November 14, 2008, the second lowest bidder filed a formal protest with the City Clerk.
- B. Pursuant to City Code section 3.60.510, City staff conducted an investigation into the bid protest and prepared a Response to Bid Protest which was submitted at the Bid Protest Hearing on January 7, 2009. Based upon the merits of the protest and the results of the investigation, staff recommends to City Council that the low bid be rejected as non-responsive and the contract be awarded to the second lowest bidder, Madsen Roof Company, Inc., in the amount not to exceed \$519,883.
- C. Pursuant to City Code section 3.60.530, the City Council may consider the protest as part of the City Council's consideration of the award of the contract to which the bid protest relates.
- D. Pursuant to City Code section 3.60.540, the City Council may hear factual evidence from any party prior to adopting or rejecting, in whole or in part, the findings of fact issued by the hearing examiner. In addition, the City Council may take any action on the bid protest that is authorized by law, including the adoption of a determination different from that recommended by the hearing examiner.
- E. There are adequate funds in M17101000 to award this construction contract.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, AND THE EVIDENCE PRESENTED, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The Hearing Examiner's findings of fact numbers 1 and 2 are adopted.
- Section 2. The Hearing Examiner's finding of fact number 3 and recommendation to waive the errors and omissions in D7's bid are rejected.
- Section 3. Madsen Roof Company's bid protest is granted and D7 Roofing Services' bid for the Memorial Auditorium Roof Repair Project (M17101000) is rejected as non-responsive.
- Section 4. The construction contract for the Memorial Auditorium roof repair project (M17101000) is awarded to Madsen Roof Company, the lowest responsive and responsible bidder, in an amount not to exceed \$519,883.
- Section 5. The City Manager, or his designee, is authorized to execute the contract with Madsen Roof Company.

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Exhibit A – Memorial Roof Repair Attachments

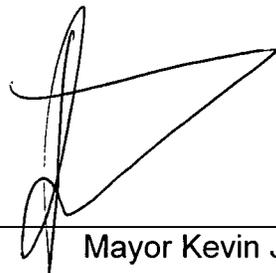
Adopted by the City of Sacramento City Council on April 14, 2009 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Johnson.

Noes: None.

Abstain: None.

Absent: None.



Mayor Kevin Johnson

Attest:



Shirley Concolino, City Clerk