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RESOLUTION NO. 2020-94

**A RESOLUTION OF THE ALBANY CITY COUNCIL AUTHORIZING
THE AWARD OF CONTRACT NO. C20-65 FOR THE LOWER SOLANO
CURB RAMPS PROJECT (CIP No. 25011)**

WHEREAS, in December of 2019, the Albany City Council approved a settlement agreement to resolve injunctive relief claims made under the Americans with Disabilities Act (ADA) in two pending lawsuits; and

WHEREAS, the cases against the City (Galpern v. City of Albany and Saraswati v. City of Albany) both requested that the court issue an injunction ordering the City to make corrective repairs to its curb ramps to meet current ADA accessibility standards; and

WHEREAS, the City of Albany is a member of the “Alameda County Urban County,” and therefore receives annual allocations from the Community Development Block Grant (CDBG), administered by the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, in fiscal years 2018/19, 2019/20, and 2020/21, Council authorized a total of \$571,705.50 in CDBG funding to be assigned for the Lower Solano Curb Ramps Project; and

WHEREAS, the Project consists of a complete re-design and rebuild of ten (10) curb ramps and corrective repairs on thirty-four (34) existing curb ramps, bringing all curb ramps in the Project area to current ADA accessibility standards; and

1 **WHEREAS**, on June 15, 2020, the City Council authorized staff to issue a Notice
2 Inviting Bids for the Lower Solano Curb Ramps Project; and

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4 **WHEREAS**, on August 27, 2020, the City received and opened eleven (11) bids
5 for the above-mentioned project; and

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7 **WHEREAS**, Burch Construction submitted a bid of \$400,010, the apparent low
8 bid; and

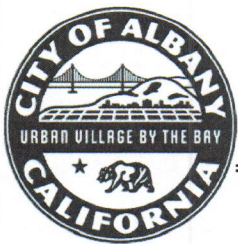
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10 **WHEREAS**, City Staff and legal counsel determined Burch Construction’s bid to
11 be non-responsive on two issues: references submitted as part of the Bidder’s
12 Questionnaire did not relate to work performed by Burch Construction; and the individual
13 signing the various bid forms, including the Bid Proposal, Bid Bond and Bidder’s
14 Questionnaire is not the sole proprietor/owner of the company as indicated on the
15 Bidder’s Questionnaire; and

16
17 **WHEREAS**, Villalobos & Associates is the next lowest responsible and responsive
18 bidder, with a bid of \$401,928, for the construction of the Solano ADA Curb Ramps
19 Project.

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21 **NOW, THEREFORE, BE IT RESOLVED**, that the Albany City Council hereby
22 rejects Burch Construction’s bid for the Lower Solano Ave Curb Ramps Project as non-
23 responsive; and

24
25 **BE IT FURTHER RESOLVED**, that the Albany City Council ratifies the Public
26 Works Director’s determination that Burch Construction’s bid protest is baseless; and

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City of Albany

1000 San Pablo Avenue • Albany, California 94706
(510) 528-5710 • www.albanyca.org

RESOLUTION NO. 2020-94

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF
ALBANY, The 21st day of September, 2020, by the following votes:

AYES: Council Members Barnes, Maass, McQuaid, Nason and Mayor Pilch

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this
22nd day of September, 2020.

Anne Hsu
CITY CLERK