

RESOLUTION NO. 81-23

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND,
CALIFORNIA, AUTHORIZING THE AWARD OF A CONSTRUCTION CONTRACT
TO UST SERVICES, INC., FOR THE FLOOD RISK REDUCTION IN THE RHEEM
CREEK WATERSHED PROJECT**

WHEREAS, the Fairmede neighborhood of Richmond and adjacent unincorporated Rollingwood neighborhood have suffered from flooding related to overflows from the Rheem Creek, and technical studies were completed to address flooding issues along Rheem Creek; and

WHEREAS, in June of 2020, the City along with local partners submitted an application to the Urban Flood Protection Grant Program for design and project implementation for a restoration project in Rheem Creek, and in September of 2021 the City was awarded grant funding in the amount of \$1,598,844 for the Flood Risk Reduction in the Rheem Creek Watershed Project (Project); and

WHEREAS, an invitation for bids was duly advertised on June 6, 2023, bids were opened on June 23, 2023, and the City received 1 bid from UST Services, Inc. for a base bid amount of \$1,233,790; and

WHEREAS, upon receipt and review of the submitted bid, mathematical errors were found in UST Services, Inc.'s bid, which upon evaluating the total base bid price based on bid items, the corrected sum was \$1,233,190; and

WHEREAS, UST Services, Inc. was determined to be the lowest responsive and responsible bidder, and references for UST Services, Inc. were provided and checked out satisfactorily; and

WHEREAS, staff desires to award a construction contract to UST Services, Inc., for the Project in an amount not-to-exceed \$1,233,190, and authorize the Public Works Director to approve change orders, if necessary, for up to the contingency amount of \$123,319; and

WHEREAS, a portion of the grant is reserved for the revegetation phase of the project, and so there are not enough funds for the construction contract. The Public Works Department worked with the Finance Department on this funding issue and Staff recommends a transfer of \$650,000 of monies from the General Capital Fund (Santa Rita Road Piling Project) to this project. Any balance remaining at the completion of the project will be returned to the General Fund or to another project, and the Santa Rita Road Piling Project shall be funded from Risk Management Funding; and

WHEREAS, Grant Funds for this project and a \$650,000 transfer of General Capital Funds for this project are sufficient to fund the cost of construction and this will result in no net impact to the General Fund; and

WHEREAS, by the agenda report ("Agenda Report") accompanying this resolution the City Council has been provided with additional information upon which the findings and actions set forth in this Resolution are based.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds the above recitals are true and correct and have served, together with the Agenda Report, as the basis for the findings and actions set forth in this Resolution.

BE IT FURTHER RESOLVED that the City Council hereby authorizes the award of a construction contract to UST Services, Inc. as the lowest responsive and responsible bidder for the construction of the Flood Risk Reduction in the Rheem Creek Watershed Project in an amount not-to-exceed \$1,356,509 (including construction contingencies).

BE IT FURTHER RESOLVED that the City Council hereby authorizes the City Manager, or their designee, to execute and make amendments to the construction contract as needed to facilitate the completion of the Project.

BE IT FURTHER RESOLVED that the City Council designates the City Clerk as the custodian of the documents and other materials which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the Office of the City Clerk at the Richmond City Hall, 450 Civic Center Plaza, Richmond, California 94804.

I certify that the foregoing resolution was passed and adopted by the City Council of the City of Richmond at a regular meeting thereof held on July 11, 2023, by the following vote:

AYES: Councilmembers Bana, Jimenez, Robinson, Zepeda, Willis,
Vice Mayor McLaughlin, and Mayor Martinez.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

PAMELA CHRISTIAN

CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

EDUARDO MARTINEZ
Mayor

Approved as to form:

DAVE ALESHIRE
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Resolution No. 81-23**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on July 11, 2023.



Pamela Christian, Clerk of the City of Richmond