



# CITY OF PETALUMA

POST OFFICE BOX 61  
PETALUMA, CA 94953-0061

Teresa Barrett  
Mayor

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Kevin McDonnell  
Dennis Pocekay  
Councilmembers

## ADDENDUM NO. 1

### Petaluma Municipal Airport – Based Aircraft Apron Rehabilitation Project City Project Number C61502110 A.I.P No. 3-06-0186-29-2022

February 28, 2022

This Addendum No. 1 modifies the Bidding Documents for the Petaluma Municipal Airport – Based Aircraft Apron Rehabilitation, City Project Number C61502110, A.I.P No. 3-06-0186-29-2022. This Addendum shall become part of the Contract and all provisions of the Contract shall apply thereto. Bidders shall acknowledge all Addendums in the Bid Schedule.

#### NOTICE INVITING BID CHANGE

Refer to page 1, item 2 of the Notice of Inviting Bids. The Bids will be ~~publicly~~ opened and ~~read at 2:00 PM (enter time) on March 18~~ **read at 2:00 PM (enter time) on Thursday, March 17, 2022** at the ~~above-mentioned~~ office of the CITY. The CITY reserves the right to postpone the date and time for opening of Bids at any time prior to the aforesaid date and time.

The following paragraphs of the “Notice Inviting Bids” will be modified as described.

**1. RECEIPT OF BIDS:** Bids for this project will be submitted by email before 2:00 PM on **Thursday, March 17, 2022**. The emailed bid will include all of the completed documents found in the BID FORMS section of the Contract Documents. The bids will be emailed to: [CITYCLERK@cityofpetaluma.org](mailto:CITYCLERK@cityofpetaluma.org). The email subject line will be “Airport Apron Rehabilitation Project (C61502110)”. The response email from the City Clerk will indicate the time stamp of the bid receipt.

**2. Original copies of the Sealed Bids** will be sent by standard United States Postal Service (USPS) mail services and received by the mail clerk at 11 English Street, Petaluma CA 94952. The Sealed Bids will be postmarked at USPS no later than the date of **March 17, 2022**. Sealed Bids postmarked after **March 17, 2022**, may not be considered. The Sealed Bids sent via USPS will include all of the original signed and sealed documents included in the Bid Form section of the Contract Documents. This packet will be clearly marked on the outside of the package “Petaluma Municipal Airport – Based Aircraft Apron Rehabilitation; FAA Project No. 3-06-0186-29-2022; City Project No. 61502110”.

**OPENING OF BIDS:** The emailed bids will be opened by the Project Manager and the City Clerk. The bids will be documented on the Bid Result template with the name of the bidding contractor and ranked by the Base Bid dollar amount. The Bid results will be posted on the City’s webpage at <https://cityofpetaluma.org/bid-opportunities-2/>.

#### Public Works & Utilities

City Engineer  
11 English Street  
Petaluma, CA 94952  
Phone (707) 778-4303

#### Environmental Services

Ellis Creek Water  
Recycling Facility  
3890 Cypress Drive  
Petaluma, CA 94954  
Phone: (707) 776-3777  
Fax: (707) 656-4067

#### Parks & Facility Maintenance

840 Hopper St. Ext.  
Petaluma, CA 94952  
Phone (707) 778-4303  
Fax (707) 206-6065

#### Transit Division

555 N. McDowell Blvd.  
Petaluma, CA 94954  
Phone (707) 778-4421

#### Utilities & Field Operations

202 N. McDowell Blvd.  
Petaluma, CA 94954  
Phone (707) 778-4546  
Fax (707) 206-6034

E-Mail: [publicworks@cityofpetaluma.org](mailto:publicworks@cityofpetaluma.org)

## **NOTICE INVITING BID SECTION ADDITIONS AND UPDATE**

The following two (2) paragraphs, #18 and #19 will be added to the “Notice Inviting Bids” as described.

### **18. FINDING OF SUBSTANTIAL COMPLEXITY**

Pursuant to Public Contract Code section 7201(b)(3) the City’s Public Work and Utilities’ Director has found that the WORK is substantially complex due to:

1. The amount of technical and scientific knowledge needed to complete the project
  - a. New and novel technology
  - b. Dependence on technological processes
2. The number of resources needed to complete the project including number of days, workers, and labor
3. The urgency for project completion
4. The number of tasks needed to complete the project
5. Number of organizational stakeholders needed to satisfy
6. The environmental complexity
  - a. Complicated geological conditions
  - b. Changing conditions
7. The Federal Aviation Administration Grant Funding Requirements.

Therefore, this is a unique project that is not regularly performed and requires a higher retention amount than five (5) percent.

Notwithstanding Public Contract Code Section 7201 or any other law or regulation that purports to provide otherwise, public contracting is a quintessential municipal affair, subject to charter cities’ home rule power, and the California Constitution grants charter cities supreme authority over municipal affairs, which include public works, procurement, and the mode of municipal contracting (see, Public Contract Code Section 1100.7 and e.g., *Bishop v. City of San Jose* (1969) 1 C3d 56).; and

it is the courts, not the legislature, that determines which matters are municipal affairs (see, e.g., *California Federal Savings and Loan v. City of Los Angeles* (1991) 54 C3d 1); and

Article X, Section 67 of the Petaluma Charter provides in pertinent part:

“ . . . no progressive payments can be provided for or made at any time which, with prior payments, if there have been such, shall exceed in amount at that time ninety percent of the value of the labor done and the materials used up to that time, and no contract shall provide for or authorize or permit the payment of more than ninety percent of the contract price before the completion of the work done under said contract and the acceptance thereof . . .; and”

City charters are documents of limitation and a restriction on the City Council’s powers imposed by the voters (see, e.g., *City of Glendale v. Trondsen* (1957) 48 C2d 93) and, as a result, the City Council’s contracting power is limited by the retention requirement in Article X, Section 67, and the City Council and City staff lack the power to provide for public works contract retention other than as specified in the City Charter.

### **19. GOVERNMENT CODE SECTION 1090**

The successful Bidder may be precluded from competing for, or participating in, subsequent contracts that result from or relate to the Work performed pursuant to this Bid. The ethics laws that

apply to the City and all its consultants, contractors, and vendors include California Government Code Section 1090 and following, which prohibits government officials, employees, and contractors from participating in making government contracts in which the official, employee, or contractor has a financial interest. Because City contractors always have a financial interest in their City contracts, the Section 1090 prohibition regarding City contractors focuses on whether a contractor is or would be "making a government contract" in a quasi-governmental capacity for purposes of Section 1090. Section 1090 prohibits City contractors from using their role as a contractor to influence how the City spends the public's funds in a way that benefits the contractor. For example: if a City contractor prepared a scope of work the City intended to release to solicit proposals to perform the scope of work, that contractor would most likely be prohibited from being awarded a contract to perform that scope of work, because preparation of the scope of work could influence the spending of City funds in a way that benefits the contractor. Similarly, if a City contractor prepared Plans Specifications and Estimates for a publicly-bid construction project or played a role in developing the scope for a construction project, such as through performing site analysis, environmental studies, or CEQA or NEPA documents for the project, the consultant would most likely be prohibited from being awarded a contract to build the project or to provide construction management services for the project. Penalties for violating Section 1090 are severe and may include felony criminal penalties, permanent disqualification from holding public office in California, disgorgement of any benefit received by the financially interested contractor, civil and administrative penalties, and voiding of the prohibited contract.

The following paragraph of the "Notice Inviting Bids" will be modified as described.

~~18-20.~~ **CITY'S RIGHTS RESERVED:** The CITY reserves the right to reject any or all bids, to waive any minor irregularity in a bid, and to make awards to the lowest responsive, responsible bidder as it may best serve the interest of the CITY.

### **QUESTIONS AND ANSWERS**

**Q: *What is the engineer's estimate for the project?***

**A:** The engineer's estimate for the project is \$1,575,000.00.

**Q: *Are the new tie-down anchors the same design as existing anchors?***

**A:** It is assumed that the existing anchors are similar to the detail on the plans for the new anchors. Available record drawings indicate that existing anchors are approximately 3-feet deep of concrete.

**Q: *What utility coordination is required?***

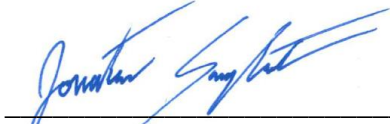
**A:** Coordination with PG&E will be required as indicated in the plans and specs for work adjacent to the gas mains. It is not anticipated at this time that the contractor will need to coordinate with utilities other than PG&E. Additionally, the contractor shall contact USA North 811 for utility locating prior to construction.

**Q: *What is the last day for bid questions?***

**A:** Please submit final bid questions by Thursday, March 10<sup>th</sup> to allow time for a bid addendum to be issued.

**Summary of Changes:** Bids will be emailed to the City Clerk, and original copies of the sealed bids will be mailed in. The “Notice Inviting Bids” has been updated as stated above. Some project questions have been answered above. All other items of the bid documents shall remain unchanged.

City of Petaluma,



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Jonathan Sanglerat, P.E.  
Associate Civil Engineer  
Public Works & Utilities Department

**A signed copy of this Addendum and the attached acknowledgement form shall be attached to the bid proposal. Failure to do so may cause rejection of your bid as being non-responsive.**

**ADDENDUM NO. 1**

**Petaluma Municipal Airport – Based Aircraft Apron Rehabilitation Project  
City Project Number C61502110  
A.I.P No. 3-06-0186-29-2022**

**February 28, 2022**

**ACKNOWLEDGEMENT**

Receipt of Addendum No. 1 is hereby acknowledged by \_\_\_\_\_  
(Contractor's Name)

on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

By: \_\_\_\_\_

Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Company