

RESOLUTION NO. ____-2026

RESOLUTION OF THE FORT BRAGG CITY COUNCIL AWARDING THE RAW WATER LINE REPLACEMENT PROJECT, CITY PROJECT NO. WTR-00016, TO MERCER-FRASER COMPANY AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$4,614,581.00, SUBJECT TO AN EXISTING MITIGATED NEGATIVE DECLARATION

WHEREAS, the Raw Water Line Replacement Project (City Project No. WTR-00016) was originally awarded to T&S Construction Company on February 12, 2024; and

WHEREAS, construction proceeded for approximately one and a half seasons but was halted due to delays in securing required California Department of Fish and Wildlife (CDFW) Lake and Streambed Alteration Agreements (LSAAs) and outstanding easements necessary for pipeline installation; and

WHEREAS, on January 27, 2026, the Department of Water Resources (DWR) suspended the City's grant funding due to statutory expenditure deadlines, resulting in termination of the construction and construction management contracts; and

WHEREAS, the City simultaneously pursued legislative relief to restore the grant appropriation, and in April 2026 DWR notified the City that it would recommend reinstatement of the City's funding; and

WHEREAS, the State Budget approved on June 15, 2026 reauthorized the City's grant funds, providing \$5,104,392.55 in available construction funding; and

WHEREAS, the City has since resolved the primary impediments to construction, including:

1. Issuance of LSAA No. MEN 49514 on January 9, 2026 (with escrow agreement executed June 11, 2026),
2. Issuance of the draft LSAA No. MEN 31384 on May 28, 2026, with final issuance anticipated in late June 2026, and
3. Completion of negotiations for the final remaining easement, expected to be executed by the end of June 2026; and

WHEREAS, the City re-advertised the project for competitive bidding, and on April 30, 2026 the City Clerk received one timely bid from Mercer-Fraser Company on June 4, 2026; and

WHEREAS, the bid submitted by Mercer-Fraser Company omitted acknowledgment of Addendum No. 3 on the bid form; and

WHEREAS, the omission constitutes an immaterial bid irregularity that may be waived by the City because the bidder received and incorporated the addendum and the omission does not provide a competitive advantage nor affect the bid price and is therefore inconsequential; and

WHEREAS, Mercer-Fraser Company’s bid of \$4,614,581.00, inclusive of all four additive alternates, is within the available DWR grant funding and is the lowest responsive and responsible bid; and

WHEREAS, the Raw Water Line Replacement Project is fully analyzed under the Mitigated Negative Declaration adopted by the City Council on May 23, 2022, and no further CEQA review is required pursuant to CEQA Guidelines §§15162 and 15164; and

WHEREAS, sufficient funds are available in the FY 2026/27 Capital Improvement Program budget for award of this contract; and

WHEREAS, the previously approved Mitigated Negative Declaration for this project has been reviewed and the work to be completed under this contract is part of the project contemplated by the MND. The minor realignment of a portion of easement area actually reduces impact by moving the construction away from forested area to an existing haul road. No new environmental impacts result from the approval of this Resolution.

NOW, THEREFORE, the City Council of Fort Bragg does hereby find, declare, and resolve as follows:

1. The Recitals set forth above are true and correct and incorporated herein as findings.
2. The Mercer-Fraser Company’s omission of Addendum No. 3 on the bid form is inconsequential and the bid is determined to be responsive; and
3. The Raw Water Line Replacement Project, City Project No. WTR-00016, is awarded to Mercer-Fraser Company as the lowest responsive and responsible bidder in the amount of \$4,614,581.00; and
4. The City Manager is authorized to execute the construction contract and all associated documents, subject to City Attorney approval as to form.

The above and foregoing Resolution was introduced by Councilmember _____, seconded by Councilmember _____, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 22nd day of June, 2026, by the following vote:

**AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:**

**Jason Godeke
Mayor**

ATTEST:

Diana Paoli, City Clerk