

# CITY OF CALISTOGA

Administration  
1232 Washington Street • Calistoga, CA 94515  
Telephone 707-942-2805  
Fax 707-942-0732  
www.ci.calistoga.ca.us



February 14, 2018

**By email and Regular Mail**

MDS CONSTRUCTION  
M. Shawn Stierli  
14864 Wonderland Blvd.  
Redding, CA 96003

Re: FEIGE CANYON WATER STORAGE TANK REPLACEMENT PROJECT  
Project NO. 12-5419  
MDS Bid Protest

Dear Mr. Stierli:

We received your February 8, 2018 letter and February 9 email protesting the low bid for this project by Granite Construction Company.

City staff believes that Granite's failure to include a signed NonCollusion Affidavit with its bid was a minor irregularity which neither affected the amount of the bid nor gave Granite an unfair advantage or benefit. Granite subsequently provided a fully executed affidavit, and enclosed is a copy for your information. As for the other matters, the copy of Granite's Certificate of Secretary submitted with its bid included Exhibits 1 and 2, and Exhibit 1 identified John Boies as an authorized signer for contracts such as this one. The initial certificate copy provided to MDS omitted the exhibits, and we apologize for any inconvenience that may have caused. Also enclosed is a complete copy for your information.

Therefore, City staff intends to recommend to the City Council that it award this contract to Granite at the Council's regular March 6, 2018 meeting. If MDS wishes to continue its protest, it should attend the meeting and be prepared to raise the issue at that time.

In any event, the City thanks MDS for its participation in this project, and hopes that it will bid on future City projects.

Sincerely,

  
Dylan Feik,  
City Manager

cc: John Boies, Area Manager, Granite Construction  
Michelle Marchetta Kenyon, City Attorney

Encl.

NONCOLLUSION AFFIDAVIT  
PUBLIC CONTRACT CODE §7106

TO BE EXECUTED BY BIDDER AND SUBMITTED WITH BID - ENVELOPE A

STATE OF CALIFORNIA  
COUNTY OF Mendocino ss.

John G. Boies, being first duly sworn, deposes and  
(Name of Principal Bidder)  
says that he or she is Area Manager  
(Office of Affiant)  
of Granite Construction Company, the party  
(Name of Bidder)

making the foregoing bid, that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and, further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.

Executed under penalty of perjury under the laws of the State of California:

Granite Construction Company  
Name of Bidder

John G. Boies  
Signature of Principal John G. Boies, Area Manager

~~Subscribed and sworn before me \_\_\_\_\_  
This \_\_\_\_\_ day of \_\_\_\_\_, 2017  
Notary Public of the State of \_\_\_\_\_  
In and for the County of \_\_\_\_\_  
My Commission Expires \_\_\_\_\_~~

(Seal)

\*\* SEE ATTACHED CALIFORNIA ACKNOWLEDGEMENT\*\*

GRANITE CONSTRUCTION COMPANY

CERTIFICATE OF SECRETARY

RESOLVED, that, effective January 1, 2018 through December 31, 2018, the individuals named on the attached Exhibit 1 are authorized to negotiate, execute and/or attest electronic and paper documents and contracts necessary for the conduct of the Company's affairs with respect to the submission and execution of construction project bids, bid proposals, bid addenda and all other bid-related documents prepared and submitted on behalf of the Company not to exceed \$25 million, relating to any and all domestic construction projects arising out of the Company's operations.

RESOLVED, that, effective January 1, 2018 through December 31, 2018, the individuals named on the attached Exhibit 2 are authorized to negotiate, execute and attest electronic and paper documents and contracts necessary for the conduct of the Company's affairs with respect to the submission and execution of construction project bids, bid proposals, bid addenda and all other bid-related documents prepared and submitted on behalf of the Company not to exceed \$75 million, relating to any and all domestic construction projects arising out of the Company's operations.

RESOLVED FURTHER, that the authority provided for herein shall be in accordance with applicable policies, procedures and limits of authority previously approved and the Granite Construction Incorporated Delegation of Authority and Policy then in effect.

I, Richard A. Watts, do hereby certify that I am duly qualified as Secretary of GRANITE CONSTRUCTION COMPANY, a California corporation (the "Company"); that the foregoing is a true and correct copy of resolutions duly adopted effective January 1, 2018 by unanimous written consent of the Executive Committee of the Board of Directors, held without a meeting in accordance with the provisions of Article III, Section 9 of the Bylaws of the Company; that the Directors acting were duly and regularly elected; and that the resolution adopted has not been modified or repealed and is still in full force and effect.

Dated: January 1, 2018

*Richard A. Watts*

Richard A. Watts



EXHIBIT I

AUTHORIZED SIGNERS

Granite Construction Company  
Coastal California Region  
Bay Area/Monterey Bay Area/North Coast Area

AUTHORIZED SIGNERS

Jim Radich, VP Coastal Region  
Pennington B. Shortes, Area Manager  
John G. Boies, Area Manager  
Jason Woelbing, Office Manager  
Steven C. Kaesler, Construction Manager  
Bruce E. Harjehausen, Senior Project Manager  
Karim Massoud, Chief Estimator  
Patrick K. Amaris, Senior Estimator  
Terry D. Richards, Senior Estimator  
David Levasseur, Regional Controller  
Danna Pintner, Operations Finance Manager  
Chelsea M. Agnello, Office Manager

ATTESTERS

Pennington B. Shortes, Area Manager  
John G. Boies, Area Manager  
Steven C. Kaesler, Construction Manager  
Terry D. Richards, Senior Estimator  
Jason Woelbing, Office Manager  
Melinda Y. Luong, Contracts Administrator  
Patrick K. Amaris, Senior Estimator  
Patricia A. Arnett, Estimating Assistant  
Jenni McKenzie, Estimating Assistant  
Teresa Rothney, Estimating Assistant  
Jason S. Picard, Estimator/Project Manager  
Bruce E. Harjehausen, Senior Project Manager  
Clarence Sakoda, Estimator/Project Manager  
James Williams, Estimator/Project Manager  
Diana Millet, Estimator/Project Manager  
Fred Ackerman, Estimator  
Danna Pintner, Operations Finance Manager  
Chelsea M. Agnello, Office Manager

**EXHIBIT 2**

**AUTHORIZED SIGNERS**

**Granite Construction Company  
California Group**

**AUTHORIZED SIGNERS**

**Jim Radich, VP Coastal Region  
Michael Tatusko, VP Valley Region  
Brent Fogg, VP Central Region  
Richard Scott McArthur, VP Northern Los Angeles Region  
David A. Donnelly, VP South Coast Region  
Brad J. Williams, VP Desert Cities Region**