*DRAFT – REQUIRES BOARD APPROVAL*

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**SLEEPY HOLLOW FIRE PROTECTION DISTRICT**

**RESOLUTION NO. 2023-5**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO THE LOWEST RESPONSIBLE AND RESPONSIVE BIDDER, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, INC. AND AUTHORIZING THE DISTRICT BOARD PRESIDENT TO ENTER INTO CONTRACT FOR THE “FIRESMART” PUBLIC DEMONSTRATION GARDEN PROJECT, AND MAKING ASSOCIATED CEQA EXEMPTION FINDINGS**

WHEREAS, the Sleepy Hollow Fire Protection District (the “District”) received a Staff Report dated November 4, 2020 that set forth the District’s intention and need for the design and construction of a *FireSmart Public Demonstration Garden* at the Sleepy Hollow Community Center (the “Garden”); and

WHEREAS, the District Board of Directors on March 5, 2021 unanimously adopted Resolution No. 2021-1 approving and authorizing (1) an *Agreement for Professional Services* between the District and Ann Baker Landscape Architecture (the “Landscape Architect”) for professional services in connection with the design and installation of the Garden; and (2) a *Real Property License Agreement* between the District and the Sleepy Hollow Charitable Foundation that gives the District the right to occupy and use certain areas of the Sleepy Hollow Community Center property for Garden purposes only; and

WHEREAS, on October 27, 2023, the District published on its website a *Notice Inviting Bids* requesting proposals for construction services for the Garden (referred to in the *Notice* as the “Project”), which *Notice* was also published in the November 9, 2023 edition of the *Marin Independent Journal*; and

WHEREAS, on November 15, 2023, the District published on its website a *First Addendum to Notice Inviting Bids*, which *First Addendum* was also published in the November 16, 2023 edition of the *Marin Independent Journal*; and

WHEREAS, on the bid due date of November 22, 2023, the District received two bids in response to the *First Addendum to* *Notice Inviting Bids*; and

WHEREAS, on the bid-opening date of November 30, 2023, the District opened and reviewed the two bids received in response to the *First Addendum to* *Notice Inviting Bids*; and

WHEREAS, the District determined that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Inc. is the lowest responsible and responsive bidder, bidding at $\_\_\_\_\_\_\_\_\_\_\_\_\_, which is \_\_\_\_\_% (below/above) the Landscape Architect’s estimate of $68,680; and

WHEREAS, the Project may be fully funded by the District’s undesignated/unreserved fund balance reserves for non-recurring “one-time” and capital projects or may be fully funded by revenues in the District’s budget for fiscal year 2024-25; and

WHEREAS, the District intends to award a contract to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Inc, for construction services for the Project, subject to finalization of the contract terms to be drafted and approved by the District’s counsel (the “Contract”); and

WHEREAS, the Project is categorically exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15301 Class 1 because it involves maintenance a minor alteration of an existing facility with negligible or no expansion of use.

NOW, THEREFORE, BE IT RESOLVED:

1. The above recitals are true and correct and incorporated herein by reference.
2. The District awards a contract for the Project to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ pursuant to the bid documents, who is found to be the lowest responsive and responsible bidder.
3. The President of the Board of Directors of the Sleepy Hollow Fire Protection District is hereby authorized to execute a Contract and any other documents reasonably necessary to effectuate the provisions of the Contract, to take all actions, on behalf of District, to enter into any amendments or modifications (including, without limitation, the exhibits) to the Contract that the President determines, in consultation with the District’s counsel, are in the best interests of the District, do not materially increase the obligations or liabilities of the District, and are necessary or advisable to complete the transaction and effectuate the purposes and intent of this Resolution and are in compliance with all applicable laws, all subject to final review and approval in a form to be approved by the District’s counsel; and

1. The District authorizes a construction contract contingency of up to $\_\_\_\_\_\_\_\_\_\_\_\_ for the Project.

PASSED AND ADOPTED at a Regular Meeting of the Board of Directors held this 30th day of November 2023 by the following vote:

AYES: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

NOES: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ABSENT: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Richard C. Shortall, Jr., Director/President

ATTEST

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Thomas J. Finn, Director/Secretary