

RESOLUTION NO. 2010-52

A RESOLUTION OF THE LODI CITY COUNCIL  
REJECTING NON-RESPONSIVE BIDS; AWARDING  
CONTRACT FOR MUNICIPAL SERVICE CENTER PBX  
REPLACEMENT PROJECT; AND FURTHER  
APPROPRIATING FUNDS

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WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council, sealed proposals were received and publicly opened on March 16, 2010, at 2:00 p.m. for the Municipal Service Center PBX Replacement Project, described in the request for proposals therefore approved by the City Council on February 3, 2010; and

WHEREAS, said proposals have been checked and tabulated and a report thereof filed with the City Manager as follows:

<b>Bidder</b>	<b>Proposal</b>
AdvanTel Networks	\$183,856.91
Vox Network Solutions	\$231,852.85
NetVersant, Inc. <b>(non-responsive)*</b>	\$162,948.75
Cross Telecom <b>(non-responsive)*</b>	\$182,166.88

WHEREAS, the NetVersant and Cross Telecom proposals included "Bid Clarification" comments and have been determined to be non-responsive by the City Attorney. A city is required to reject a bid as non-responsive when the response: 1) affects the amount of the bid; 2) gives a bidder an advantage over others; 3) provides a potential vehicle for favoritism; 4) might cause other potential bidders to refrain from bidding; or 5) affects the ability to make bid comparisons (Ghillotti v City of Richmond (1996) 45 Cal.App.4th 897). The NetVersant Solutions' and Cross Telecoms' clarifications give them an advantage, affect the amount of the bid, and affect bid comparisons because they decline to provide services required in the bid package; and

WHEREAS, staff recommends awarding the contract for the Municipal Service Center PBX Replacement Project to the lowest responsive bidder, AdvanTel Networks, of Sacramento, California; and

WHEREAS, staff recommends appropriating \$200,000 to cover construction costs, testing and inspection, City staff time, and contingencies.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby determine that the NetVersant and Cross Telecom proposals, which included "Bid Clarification" comments, to be non-responsive and reject those bids; and

BE IT FURTHER RESOLVED that the Lodi City Council does hereby award the contract for the Municipal Service Center PBX Replacement Project to the lowest responsive bidder, AdvanTel Networks, of Sacramento, California, in the amount of \$183,856.91; and

BE IT FURTHER RESOLVED that funds in the amount of \$200,000 be appropriated for the project from Electric Utility, Water Utility, Wastewater Utility, and Transit funds.

Dated: May 5, 2010

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I hereby certify that Resolution No. 2010-52 was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 5, 2010, by the following vote:

**AYES:** COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, Mounce, and Mayor Katzakian

**NOES:** COUNCIL MEMBERS – None

**ABSENT:** COUNCIL MEMBERS – None

**ABSTAIN:** COUNCIL MEMBERS – None



RANDI JOEHL