

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO: (A) AWARD AND EXECUTE A CONTRACT FOR THE CONSTRUCTION OF 9812 - BETTER BIKEWAY SAN JOSE - SAN FERNANDO CORRIDOR – RE-BID PROJECT TO THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER IN THE AMOUNT NOT TO EXCEED \$9,900,000; (B) DECIDE ANY TIMELY BID PROTEST(S) AND MAKE THE CITY’S FINAL DETERMINATION AS TO THE LOWEST RESPONSIVE BIDDER THAT IS RESPONSIBLE AS NEEDED TO AWARD THE CONTRACT; AND (C) APPROVE A CONTINGENCY OF UP TO 10% OF THE CONTRACT AMOUNT

WHEREAS, the 9812 – Better Bikeway San José – San Fernando Corridor – Re-Bid Project (Project) is funded by the Metropolitan Transportation Commission’s Active Transportation Program; and

WHEREAS, the Project, located along San Fernando Street, from Market Street to 11th Street, was awarded \$9,992,000 for the environmental, design, and construction of various civil, landscape, irrigation, and traffic signal improvements; and

WHEREAS, the Project was originally advertised for bid in December 2024, which included the City’s Project Labor Agreement; seven bids were received with a bid variance between +1% and +19% above the Engineer’s Estimate; and

WHEREAS, because the City had not yet received written approval from the federal granting agency to apply the City’s Project Labor Agreement to the project, and had received three written protests, the Director of Public Works rejected all bids, and intends to re-bid when the approval is received to apply the Project Labor Agreement to the project; and

WHEREAS, authorizing the Director of Public Works to award and execute the contract, reduces the Project schedule by approximately six weeks, facilitating an earlier construction start, and allowing the work to occur during summer break for San José State University, thereby minimizing the impacts to faculty and students by starting construction while the University has limited attendance; and

WHEREAS, construction is anticipated to start in late summer to early fall 2025, with completion expected in December 2026;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The Director of Public Works is hereby authorized to:

- A. Award and execute a contract for the construction of 9812 - Better Bikeway San José - San Fernando Corridor – Re-Bid Project to the lowest responsive, responsible bidder in the amount not to exceed \$9,900,000;
- B. Decide any timely bid protest(s) and make the City's final determination as to the lowest responsive bidder that is responsible as needed to award the contract; and
- C. Approve a contingency of up to 10% of the contract amount.

ADOPTED this _____ day of _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk