

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING (1) THE DIRECTOR OF PUBLIC WORKS TO NEGOTIATE AND EXECUTE A FIRST AMENDMENT TO THE DESIGN-BUILD CONTRACT WITH OVERAA CONSTRUCTION COMPANY TO INCREASE THE CONTRACT PRICE OF \$16,150,187 BY \$8,256,906 FOR A TOTAL AMOUNT NOT TO EXCEED \$24,407,093 FOR THE AIRCRAFT RESCUE AND FIRE FIGHTING FACILITY (ARFF) / FIRE STATION 20 PROJECT, AND DESIGN AND CONSTRUCTION COSTS FOR UTILITIES, INTERSECTION AND TRAFFIC SIGNAL UPGRADES FOR FACILITIES AND PD HANGAR; (2) AN INCREASE IN THE AMOUNT OF THE CITY-CONTROLLED CONTINGENCY OF \$1,923,000 BY \$1,062,028 FOR A TOTAL CONTINGENCY AMOUNT OF \$2,985,028 FOR THE AIRCRAFT RESCUE AND FIRE FIGHTING FACILITY (ARFF) / FIRE STATION 20 PROJECT AND PD HANGAR; AND (3) THE DIRECTOR OF PUBLIC WORKS TO APPROVE CONTRACT CHANGES, PROJECT DELIVERY, ADDITIONS, AND CONTINGENCIES UP TO THE FULL BUDGET OF \$30,088,669 FOR THE AIRCRAFT RESCUE AND FIRE FIGHTING FACILITY (ARFF) / FIRE STATION 20 PROJECT

WHEREAS, City of San José (“City”) owns and operates the Norman Y. Mineta San José International Airport (“Airport”); and

WHEREAS, on May 7, 2019, City Council adopted Resolution No. 79072, authorizing (i) the Director of Public Works (“PW Director”) to award and execute a Design-Build Contract (“DB Contract”) for the 8963-Aircraft Rescue and Fire Fighting Facility Project (“ARFF Project”) at the Airport in an amount not to exceed \$16,940,000 with C. Overaa & Company (“Design-Builder”); and (ii) a 10% contingency of the Contract Price for City-approved changes to the design scope and construction services; and

WHEREAS, effective July 7, 2019 (“Effective Date”), City and Design-Builder entered into the DB Contract for the ARFF Project for \$15,560,000; and

WHEREAS, after the Effective Date, City identified various elements to add to the ARFF Project, including improvements to building life cycle, customer service, safety and security enhancements and an expanded footprint to allow for fire personnel to respond to off-Airport emergencies (“Fire Station 20”); and

WHEREAS, City and Design-Builder subsequently negotiated several Guaranteed Maximum Prices to accommodate the above improvements to the ARFF Project and the Fire Station 20 component, and the contract price is now \$16,150,187 (“Contract Price”); and

WHEREAS, on December 10, 2019, City Council authorized an increase to the ARFF Project’s contingency in the amount of \$383,000 to use Measure T funds for design of the Fire Station 20 component; and

WHEREAS, City desires to authorize the PW Director to negotiate and execute a First Amendment to the DB Contract with Design-Builder to increase the Contract Price by \$8,256,906 for a new total amount not to exceed \$24,407,093 for the ARFF Project, the Fire Station 20 component and design and construction costs for utilities, intersection and traffic signal upgrades for future Facilities and Police Department (“PD”) hangars; and

WHEREAS, City also desires to further increase the current City-controlled DB Contract contingency of \$1,923,000 by \$1,062,028 for a total contingency amount of \$2,985,028 to implement certain required EIR mitigation measures and offset unforeseen expenses brought on by the COVID-19 Pandemic; and

WHEREAS, City further desires to authorize the PW Director to approve contract changes, project delivery, additions, and contingencies up to the full budget of \$30,088,669 for the ARFF / Fire Station 20 Project;

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

1. The Director of Public Works is hereby authorized to negotiate and execute a First Amendment to the DB Contract with Design-Builder to increase the Contract Price of \$16,150,187 by \$8,256,906 for a total amount not to exceed \$24,407,093 for the ARFF / Fire Station 20 Project, and design and construction costs for utilities, intersection and traffic signal upgrades for Facilities and PD Hangar.
2. An increase in the amount of the City-controlled contingency of \$1,923,000 by \$1,062,028 for a total contingency amount of \$2,985,028 for the ARFF / Fire Station 20 Project and PD Hangar is hereby authorized.
3. The Director of Public Works is hereby authorized to approve contract changes, project delivery, additions, and contingencies up to the full budget of \$30,088,669 for the Aircraft Rescue and Fire Fighting Facility (ARFF) / Fire Station 20 Project.

ADOPTED this _____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk