

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY MANAGER TO 1) NEGOTIATE AND EXECUTE A SEPARATE AMENDMENT TO THE DESIGN-BUILD CONTRACT WITH CH2M HILL ENGINEERS, INC. FOR THE HEADWORKS PROJECT AT THE SAN JOSE-SANTA CLARA REGIONAL WASTEWATER FACILITY TO ALLOW CH2M HILL ENGINEERS, INC. TO PROCEED WITH SUBSURFACE INVESTIGATIONS PRIOR TO THE CITY'S EXECUTION OF THE DEFINITIVE CONTRACT AMENDMENT IN AN AMOUNT NOT TO EXCEED \$1,000,000; 2) APPROVE A CONSTRUCTION CONTINGENCY IN THE AMOUNT OF \$1,000,000 FOR CITY-APPROVED CHANGES TO THE SCOPE OF THE SUBSURFACE INVESTIGATIONS; 3) NEGOTIATE AND EXECUTE ANY SINGLE AND/OR MULTIPLE CHANGE ORDERS IN EXCESS OF \$100,000 UP TO THE AMOUNT OF THE APPROVED CONTINGENCY FOR CHANGES TO THE SCOPE OF THE PRELIMINARY SERVICES WORK OR SUBSURFACE INVESTIGATIONS**

**WHEREAS**, on June 19, 2018, the City Council approved a design-build contract with CH2M Hill Engineers, Inc. for the Headworks Project at the San José-Santa Clara Regional Wastewater Facility in an amount not to exceed \$5,666,354 for the performance of preliminary services under the contract; and

**WHEREAS**, the City Council's action also established a design contingency in the amount of \$566,635 to provide funding for unanticipated changes that may be necessary for the proper completion of the preliminary services; and

**WHEREAS**, staff has already identified the need for an early work package ("EWP") to investigate subsurface conditions in order to reduce the risk of discovering unknown conditions during construction; and

**WHEREAS**, the City Council wishes to authorize the City Manager to negotiate and execute the first EWP as described in the memorandum to the City Council dated May 23, 2018 from Kerrie Romanow, Director of Environmental Services, and Matthew Cano, Director of Public Works; and

**WHEREAS**, the City Council also wishes to authorize the City Manager to approve a construction contingency for the EWP to provide funding in case critically damaged infrastructure is discovered that requires immediate repair; and

**WHEREAS**, the City desires to authorize the City Manager or his designee to negotiate and execute individual change orders for preliminary services work or the EWP in excess of \$100,000 up to the contingency amount approved by the City Council;

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

The City Manager or his designee is authorized to:

1. Negotiate and execute a separate amendment to the design-build contract with CH2M Hill Engineers, Inc. for the Headworks Project at the San José-Santa Clara Regional Wastewater Facility to allow CH2M Hill Engineers, Inc. to proceed with subsurface investigations prior to the City's execution of the definitive contract amendment in an amount not to exceed \$1,000,000.
2. Approve a construction contingency in the amount of \$1,000,000 for City-approved changes to the scope of the subsurface investigations.

3. Negotiate and execute any single and/or multiple change orders in excess of \$100,000 up to the amount of the approved contingency for changes to the scope of the preliminary services work or subsurface investigations.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk