

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE DELEGATING AUTHORITY TO THE DIRECTOR OF PUBLIC WORKS TO (1) AWARD AND EXECUTE A CONTRACT FOR THE CONSTRUCTION OF THE 9821 – GUADALUPE GARDENS FENCING PROJECT, TO THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER IN AN AMOUNT NOT TO EXCEED \$1,500,000, SUBJECT TO CERTAIN CONDITIONS; (2) 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 (3) ESTABLISH A CONSTRUCTION CONTINGENCY OF UP TO 10 PERCENT (10%) OF THE AMOUNT OF THE CONSTRUCTION CONTRACT FOR THE PROJECT

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

WHEREAS, the Guadalupe Gardens is an approximately 40-acre parcel located on federally regulated land just south of the Airport in an approach zone, and must be kept clear of inhabitants; and

WHEREAS, the Guadalupe Gardens area is currently inhabited with illegal camping and is experiencing serious and continuing criminal activity and illegal dumping; and

WHEREAS, to address these challenges, City developed a Guadalupe Gardens Corrective Action Plan (“CAP”), which the Federal Aviation Administration approved on August 4, 2021; and

WHEREAS, among other things, the Guadalupe Gardens CAP contemplates the construction of a fence around the Guadalupe Gardens to prevent re-inhabitation; and

WHEREAS, bids were received on January 20, 2022 for the 9821 – Guadalupe Gardens Fencing Project (“Project”) and Staff is currently in the bid evaluation period; and

WHEREAS, City desires to delegate authority to the Director of Public Works to (1) award and execute a contract for the construction of the Project, to the lowest responsive, responsible bidder in an amount not to exceed \$1,500,000, subject to certain conditions; (2) 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 (3) establish a construction contingency of up to 10 percent (10%) of the amount of the construction contract for the Project;

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

The Director of Public Works is hereby authorized to:

1. Award and execute a contract for the construction of the 9821 – Guadalupe Gardens Fencing Project, to the lowest responsive, responsible bidder in an amount not to exceed \$1,500,000; except that:
 - (i) In the event that not all of the \$1,500,000 is utilized, reallocate any remaining funding for protecting the land and other mitigation solutions to secure the space; and
2. 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
3. Establish a construction contingency of up to 10 percent (10%) of the amount of the construction contract for the Project.

ADOPTED this _____ day of _____, 2022, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk