

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSÉ AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO (1) AWARD AND EXECUTE A CONTRACT FOR THE CONSTRUCTION OF THE 8087 – TRAIL: COYOTE CREEK (MABURY ROAD TO EMPIRE STREET) – ATP GRANT PROJECT REBID TO THE LOWEST RESPONSIVE RESPONSIBLE BIDDER IN AN AMOUNT NOT TO EXCEED \$8,500,000; (2) DECIDE ANY TIMELY BID PROTEST(S) AND MAKE THE FINAL DETERMINATION AS TO THE LOWEST RESPONSIVE RESPONSIBLE BIDDER; AND (3) ESTABLISH A CONTINGENCY IN THE AMOUNT OF 10 PERCENT OF THE CONTRACT AMOUNT

WHEREAS, On September 13, 2011, the City Council adopted the Coyote Creek Trail Master Plan (Montague Expressway to Watson Park) establishing a conceptual trail alignment along the creek in general proximity to the new Berryessa Bay Area Rapid Transit (BART) station through Watson Park to its Empire Street frontage; and

WHEREAS, the Project is a 0.3-mile Class I trail that stretches from Mabury Road to Empire Street, along the Coyote Creek channel, and includes the construction of a 12-foot-wide paved pedestrian/bicycle pathway with 2-foot-wide shoulders, a steel pedestrian bridge, trailheads, signage, striping, seating areas, and other miscellaneous work ("Project"); and

WHEREAS, the Project is partially funded by an ATP Grant in the amount of \$5,256,000 and a Federal EARMARK Grant of \$1,323,901, for a total of \$6,579,901; and

WHEREAS, the Project was initially advertised on September 21, 2022, bids were opened on October 27, 2022 and the City received five (5) bids for the Project. Four bids were deemed non-responsive; only the second lowest bidder was deemed responsive and was 45.5% over the Engineer's Estimate; and

WHEREAS, pursuant to Section 27.10.530 of the San Jose Municipal Code, the Director of Public Works, on November 16, 2022, rejected all bids; and in order to solicit more competitive bids, decided to rebid the project; and

WHEREAS, pursuant to the requirements of the Local Assistance Procedures Manual, the project rebid was advertised in early February 2023, with a bid opening in late February 2023; and

WHEREAS, the ATP Grant program requires the City to complete the award by May 2023; authorizing the Public Works Director to award and execute the construction contract will enable the City to meet the grant deadline, and ultimately the grant project deadline defined in E-76, which is a federal authorization of funds issued by the Federal Highway Administration, for construction completion of December 2025, and will allow the City to receive a \$6,579,901 reimbursement from the ATP Grant and Federal EARMARK Grant;

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

The City Council hereby authorizes the Director of Public Works to:

- (1) Award and execute a contract for the construction of the 8087 - TRAIL: Coyote Creek (Mabury Road to Empire Street) - ATP Grant Project Re-Bid to the lowest responsive, responsible bidder in an amount not to exceed \$8,500,000;
 - (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 contingency in the amount of 10 percent of the contract amount, pursuant to San Jose Municipal Code Section 27.04.050.

ADOPTED this _____ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk