

RESOLUTION NO.

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE (1) FINDING THAT THE COST OF THE PROPOSED DESIGN-BUILD CONTRACT FOR THE TERMINAL B INTERIM FACILITY PROJECT AT THE NORMAN Y. MINETA SAN JOSE INTERNATIONAL AIRPORT WILL EXCEED \$5,000,000, AND THAT THE USE OF THE DESIGN-BUILD DELIVERY METHOD PROCESS IS LIKELY TO SAVE MONEY AND/OR RESULT IN FASTER PROJECT COMPLETION THAN IF THE CITY USED THE TRADITIONAL DESIGN-BID-BUILD METHOD OF PROJECT DELIVERY; (2) APPROVING THE REQUEST FOR PROPOSALS (“RFP”) AND THE EVALUATION CRITERIA AND PROCESS BY WHICH THE CITY SHALL SELECT A DESIGN-BUILD ENTITY FOR THE INTERIM FACILITY PROJECT; AND (3) AUTHORIZING THE ACTING DIRECTOR OF PUBLIC WORKS TO ISSUE ADDENDA TO THE RFP TO ADD ANY ADDITIONAL REQUIREMENTS OR TO MAKE OTHER REVISIONS TO THE RFP THAT ARE CONSISTENT WITH SCOPE AND SELECTION CRITERIA AS APPROVED BY COUNCIL**

**WHEREAS**, Section 1217(e)(7) of the Charter of the City of San José (“City”) authorizes the City to negotiate and award a design-build contract for a public works project that meets the following criteria: (1) the design-build contract for the project will cost more than \$5,000,000; and (2) the City Council finds that the design-build procurement process would save money or result in faster project completion; and

**WHEREAS**, Chapter 14.07 of Title 14 of the San José Municipal Code requires a design-build entity to be procured under Charter Section 1217(e)(7) pursuant to a competitive request for proposals (“RFP”) process and sets forth the procurement procedures; and

**WHEREAS**, Chapter 14.07.310 of Chapter 14.07 of the San José Municipal Code requires the City Council to do each of the following before issuing an RFP for a design-

build entity: (1) make findings that the cost of the proposed design-build contract is likely to exceed \$5,000,000, and that the design-build procurement process is likely to save money or result in faster project completion than if the City used a procurement process involving its normal competitive bidding procedures; and (2) approve the RFP and the criteria and process by which the City shall select a design-build entity; and

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

**WHEREAS**, the City desires to proceed with an RFP in accordance with the above-referenced Charter and Municipal Code provisions to select a design-build entity for an interim facility at the Airport (“Interim Facility” and “Project”); and

**WHEREAS**, the City further desires to authorize the Director of Public Works to issue addenda to the RFP to add any additional requirements and to make such other revisions to the RFP that are consistent with the scope and selection criteria as approved by Council; and

**WHEREAS**, City staff has submitted a memorandum to Council for this item, dated March 29, 2018, that outlines the design-build procurement process and shows that said procurement process will likely result in faster completion of the Project than the traditional design-bid-build procurement process (“Council Memorandum”);

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

**Section 1.** Compliance with the requirements of Section 14.07.310 of Chapter 14.07 of the San José Municipal Code:

A. The City Council hereby finds that:

1. The preliminary estimated cost of the design-build contract for the Project is at least \$50,000,000; and
2. The expected cost savings to be achieved from using the design-build project delivery system is approximately \$4,181,000; and
3. Since the City desires the Interim Facility to be operational by June 15, 2019, the design-build construction speed is 12% faster than the design-bid-build methodology with an overall delivery speed of 33.5% faster.

B. Based on the above facts, the City Council hereby makes the following findings:

1. The cost of the proposed design-build contract for the Project is likely to exceed \$5,000,000; and
2. The design-build project delivery system will result in cost savings and faster completion of the Project than if the City used a traditional design-bid-build project delivery system.

C. Based on the above findings, the City Council hereby determines that the requirements of Section 14.07.310A of the San José Municipal Code are satisfied.

**Section 2.** In accordance with Section 14.07.310B of the San José Municipal Code, the City Council hereby approves the RFP and the criteria and process by which the City will select a design-build entity.

**Section 3.** The Director of Public Works is hereby authorized to issue addenda to the RFP to add any additional requirements and to make such other revisions to the RFP that are consistent with the scope and selection criteria as approved by Council.

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

AYES:

NOES:

ABSENT:

DISQUALIFIED:

\_\_\_\_\_  
SAM LICCARDO  
Mayor

ATTEST:

\_\_\_\_\_  
TONI J. TABER, CMC  
City Clerk