

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

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO 1) AWARD A CONSTRUCTION CONTRACT FOR THE 8151 – LARGE TRASH CAPTURE DEVICE – PHASE VI PROJECT TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER IN AN AMOUNT NOT TO EXCEED \$5,200,000 AND TO APPROVE A FIFTEEN (15) PERCENT CONTINGENCY IN AN AMOUNT NOT TO EXCEED \$787,500; 2) DECIDE ANY TIMELY BID PROTEST(S), MAKE THE CITY'S FINAL DETERMINATION AS TO THE LOWEST RESPONSIVE BIDDER THAT IS RESPONSIBLE, OR REJECT ALL BIDS AND RE-BID THE PROJECT; 3) NEGOTIATE AND EXECUTE ANY SINGLE AND/OR MULTIPLE CHANGE ORDERS FOR THE PROJECT IN EXCESS OF \$100,000 UP TO THE AMOUNT OF THE CONTINGENCY**

**WHEREAS**, in November 2016, the San Francisco Regional Water Quality Control Board (“Regional Water Board”) issued a permit mandating all cities to reduce the amount of trash discharging from their storm drain systems by 70% by 2017, 80% by 2019, and 100% by 2022; and

**WHEREAS**, to date, the City of San Jose (“City”) has installed a total of 26 Large Trash Capture (“LTC”) devices which remove trash from approximately 8,600 acres of watershed and has met the requirement of reducing trash by 70% by 2017; and

**WHEREAS**, the 8151 – Large Trash Capture Device – Phase VI Project (“Project”) will install six (6) new LTC units to help the City meet the Regional Water Board’s requirement to reduce the trash load by 80% by 2019; and

**WHEREAS**, the City desires to authorize the Director of Public Works to award a construction contract for the Project in order to meet the Project schedule and install the LTC units by July 1, 2019;

**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 a construction contract for the 8151 – Large Trash Capture Device – Phase VI Project to the lowest responsive and responsible bidder in an amount not to exceed \$5,200,000 and to approve a fifteen (15) percent contingency in an amount not to exceed \$787,500.
2. Decide any timely bid protest(s), make the City's final determination as to the lowest responsive bidder that is responsible, or reject all bids and re-bid the project.
3. Negotiate and execute any single and/or multiple change orders for the project in excess of \$100,000 up to the amount of the contingency.

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