

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 8794 – 31ST AND ALUM ROCK PARK PHASE 2B RE-BID PROJECT TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER IN AN AMOUNT NOT TO EXCEED \$1,100,000; 2) APPROVE A CONTINGENCY OF UP TO, BUT NOT TO EXCEED, 5% OF THE AMOUNT OF THE CONSTRUCTION CONTRACT AWARDED BY THE DIRECTOR; AND 3) DECIDE ANY TIMELY BID PROTEST(S), MAKE THE CITY’S FINAL DETERMINATION AS TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, OR REJECT ALL BIDS AND RE-BID THE PROJECT**

**WHEREAS**, on August 21, 2018, City Council adopted Resolution No. 78755 authorizing the Director of Public Works to award the construction contract for the 8794 – 31st and Alum Rock Park Phase 2B Project (“Project”), provided that the City first acquire ownership of a 0.2-acre parcel of land that was included in the Project’s workplan; and

**WHEREAS**, the purchase of the 0.2-acre parcel has taken longer than expected to complete and the City is at risk of losing grant funding from the Housing-Related Parks Program (“HRPP”) of the Department of Housing and Community Development if the Project improvements are not installed, invoiced and submitted for reimbursement by April 2019; and

**WHEREAS**, the City redesigned the Project to eliminate the 0.2-acre parcel and intends to re-bid the Project (“Re-Bid Project”); and

**WHEREAS**, the City desires to authorize the Director of Public Works to award a construction contract for the Re-Bid Project in order to meet the HRPP grant deadline;

**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 8794 – 31st and Alum Rock Park Phase 2B Re-bid Project to the lowest responsive and responsible bidder in an amount not to exceed \$1,100,000.
2. Approve a contingency of up to, but not to exceed, 5% of the amount of the construction contract awarded by the Director.
3. Decide any timely bid protest(s), make the City's final determination as to the lowest responsive and responsible bidder, or reject all bids and re-bid the Project.

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