

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE FINDING THAT REQUIRING THE CITY OF SAN JOSE AND HABITAT FOR HUMANITY EAST BAY/SILICON VALLEY, INC. TO SOLICIT BIDS AND AWARD A CONSTRUCTION CONTRACT TO THE LOWEST RESPONSIBLE BIDDER FOR THE CONSTRUCTION OF EMERGENCY BRIDGE HOUSING COMMUNITIES WOULD BE AN "IDLE ACT" PURSUANT TO SECTION 1217(E)(6) OF THE CITY CHARTER

WHEREAS, the City Council of the City of San José ("City") has approved concurrently with the adoption of this resolution authorization for the City Manager to negotiate and execute an agreement for the development and construction of two (2) Emergency Bridge Housing Community sites with Habitat for Humanity East Bay/Silicon Valley, Inc. ("Habitat for Humanity"), in an amount not to exceed \$4,300,000, with an option to extend the agreement through June 30, 2020 and an additional contingency amount up to \$860,000; and

WHEREAS, Habitat for Humanity was selected through a Request for Qualifications process to develop and construct Emergency Bridge Housing on behalf of the City; however, no formal bidding process was conducted; and

WHEREAS, under the City Charter, solicitation of bids is required for public works projects, although Section 1217(e)(6) provides an exemption for situations where solicitation of bids would for any reason be an idle act; and

WHEREAS, Habitat for Humanity, a nationally recognized non-profit organization that provides construction and development services primarily through volunteers, can perform the work necessary for the development and construction of the Emergency Bridge Housing Community sites at a greatly reduced labor cost;

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

Finds that requiring the City and Habitat for Humanity to solicit bids and award a construction contract to the lowest responsible bidder for the construction of Emergency Bridge Housing Communities would be an idle act pursuant to Section 1217(e)(6) of the City Charter because Habitat for Humanity is a non-profit partner that relies on volunteer labor and can perform the work at a greatly reduced cost.

ADOPTED this _____ day of _____, 2018, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk