

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE (1) APPROVING THE FINAL RANKING OF THE DESIGN-BUILD (D-B) ENTITIES THAT RESPONDED TO THE REQUEST FOR PROPOSAL (RFP) FOR THE 8963 – MINETA SAN JOSE INTERNATIONAL AIRPORT AIRCRAFT RESCUE AND FIRE FIGHTING FACILITY – FIRE STATION NO. 20 (PROJECT); (2) AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO NEGOTIATE A D-B CONTRACT FOR THE PROJECT, SUBJECT TO CERTAIN CONDITIONS; (3) AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO AWARD AND EXECUTE THE D-B CONTRACT FOR THE PROJECT IN AN AMOUNT NOT TO EXCEED \$16,940,000, TO THE HIGHEST RANKED D-B ENTITY THAT SUCCESSFULLY COMPLETES D-B CONTRACT NEGOTIATIONS WITH THE CITY; (4) AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO NEGOTIATE AND EXECUTE TASK ORDERS UP TO THE D-B CONTRACT NOT TO EXCEED AMOUNT AS NECESSARY TO MEET PROJECT COMPLETION; (5) APPROVING A D-B CONTINGENCY IN THE AMOUNT OF TEN PERCENT OF THE NEGOTIATED D-B CONTRACT NOT TO EXCEED AMOUNT FOR CITY-APPROVED CHANGES TO THE DESIGN SCOPE AND CONSTRUCTION SERVICES; AND (6) AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO NEGOTIATE AND EXECUTE ANY SINGLE AND/OR MULTIPLE CONTRACT CHANGE ORDERS FOR THE PROJECT UP TO THE CONTINGENCY AMOUNT

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

WHEREAS, on August 28, 2018 the City Council adopted Resolution No. 78766, which (i) documented Council’s findings that the 8963 – Mineta San José International Airport Aircraft Rescue and Fire Fighting Facility – Fire Station No. 20 (“Project”) will exceed \$5,000,000 and that the use of the design-build method process is likely to save money

and/or result in faster completion than if the City used the traditional design-bid-build method for the delivery of the Project; and (ii) approved the Request for Proposals (“RFP”) for the Aircraft Rescue and Fire Fighting (“ARFF”) Facility; and

WHEREAS, the RFP’s submittal deadline was October 11, 2018 and the results of City’s evaluation of the written submittals and oral interviews, and a comparative analysis of the price proposals and rankings of the design-build (“D-B”) entities (“D-B Entities”) is summarized in staff’s memorandum (“Memorandum”) to Council for this item; and

WHEREAS, consistent with the final rankings of the D-B Entities set forth in the Memorandum, City desires to authorize the Director of Public Works to negotiate a D-B Contract for the Project with the highest ranked D-B Entity C. Overaa & Company dba Overaa Construction, as further described herein; and

WHEREAS, City desires to authorize the Director of Public Works to award and execute the D-B Contract for the Project in an amount not to exceed \$16,940,000 to the highest ranked D-B Entity that successfully completes D-B Contract negotiations with the City; and

WHEREAS, City desires to authorize the Director of Public Works to negotiate and execute Task Orders up to the D-B Contract not to exceed amount as necessary to meet Project completion; and

WHEREAS, City desires to approve a D-B contingency in the amount of ten percent of the negotiated D-B Contract not to exceed amount for City-approved changes to the design scope and construction services; and

WHEREAS, City desires to authorize the Director of Public Works to negotiate and execute any single and/or multiple contract change orders for the Project up to the contingency amount;

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

1. As set forth in the Memorandum, the final ranking of the D-B Entities that responded to the RFP for the Project is hereby approved.
2. Consistent with the final ranking of the D-B Entities set forth in the Memorandum, the Director of Public Works is hereby authorized to negotiate a D-B Contract for the Project as follows:
 - a. Begin negotiating with the highest ranked D-B Entity, C. Overaa & Company dba Overaa Construction;
 - b. Begin negotiating with the next highest D-B Entity, if after having negotiated with the highest ranked D-B Entity, the Director determines that the City's interests are best served by beginning negotiations with the next highest ranked D-B Entity; and
 - c. Begin negotiating with the third ranked D-B Entity, as the Director determines is appropriate;
3. The Director of Public Works is hereby authorized to award and execute the D-B Contract for the Project in an amount not to exceed \$16,940,000 to the highest ranked D-B Entity that successfully completes D-B Contract negotiations with the City.

4. The Director of Public Works is hereby authorized to negotiate and execute Task Orders up to the D-B Contract not to exceed amount as necessary to meet Project completion.
5. A D-B contingency in the amount of ten percent of the negotiated D-B Contract not to exceed amount for City-approved changes to the design scope and construction services is hereby approved.
6. The Director of Public Works is hereby authorized to negotiate and execute any single and/or multiple contract change orders for the Project up to the contingency amount.

ADOPTED this _____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk