

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE DIRECTOR OF TRANSPORTATION TO DO THE FOLLOWING: (A) AWARD AND EXECUTE CONSTRUCTION CONTRACTS FOR THE (1) 8547 – OBAG2 (NORTH) SAN JOSE FOR FEDERAL PROJECT NO. STPL 5005(163) IN AN AMOUNT NOT TO EXCEED \$12,800,000 WITH A CONTINGENCY NOT TO EXCEED \$640,000, (2) 8549 – OBAG2 (SOUTH) SAN JOSE FOR FEDERAL PROJECT NO. STPL 5005(163) IN AN AMOUNT NOT TO EXCEED \$11,700,000 WITH A CONTINGENCY NOT TO EXCEED \$585,000 AND (3) 9459 – 2020-2022 LOCAL STREETS RESURFACING PROJECT (MULTI-YEAR) IN AN AMOUNT NOT TO EXCEED \$10,000,000 DURING THE INITIAL TERM AND TWO ONE-YEAR OPTIONS IN AN ANNUAL AMOUNT NOT TO EXCEED \$10,000,000 WITH A CONTINGENCY NOT TO EXCEED \$1,000,000 PER TERM, CONTINGENT ON THE APPROPRIATION OF SUFFICIENT FUNDS, AND (B) AS TO THE ABOVE PROJECTS DECIDE ANY TIMELY BID PROTESTS, MAKE THE CITY’S FINAL DETERMINATION AS TO THE LOWEST RESPONSIVE BIDDER THAT IS RESPONSIBLE, OR REJECT ALL BIDS AND REBID THE PROJECTS

WHEREAS, the Department of Transportation (“DOT”) for the City of San José (“City”) typically brings forward paving contracts for City Council award in the spring and early summer before its July hiatus; and

WHEREAS, DOT will not complete the procurement of the construction contracts for the 8547 – Obag2 (North) San Jose For Federal Project No. Stpl 5005(163), the 8549 – Obag2 (South) San Jose For Federal Project No. Stpl 5005(163), and the 9459 – 2020-2022 Local Streets Resurfacing Project (Multi-Year) in time for the City Council to award the contracts before the July hiatus; and

WHEREAS, the construction contracts for these three paving projects must be awarded during July to enable the pavement work to occur during the 2020 Pavement Season; and

WHEREAS, the City desires to authorize the Director of Transportation (“Director”) to take certain actions with regard to the procurement and award of these construction contracts in accordance with the requirements of this Resolution;

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

The Director of Transportation is hereby authorized to:

1. Award and execute the 8547 – OBAG2 (North) San José Pavement Maintenance Project, Federal Project No. STPL 5005(163), in a total amount not to exceed \$12,800,000 and establish a construction contingency of up to 5% of the contract amount, not to exceed \$640,000; and
2. Award and execute the 8549 – OBAG2 (South) San José Pavement Maintenance Project, Federal Project No. STPL 5005(163), in a total amount not to exceed \$11,700,000 and establish a construction contingency of up to 5% of the contract amount, not to exceed \$585,000; and
3. Award and execute 9459 - 2020-2022 Local Streets Resurfacing Project (Multi-Year), in a total amount during the initial term not to exceed \$10,000,000, establish a construction contingency of up to 10% of the contract amount, not to exceed \$1,000,000, and do the following with regard to this contract:
 - a. Exercise 2 separate options, with each option being for a period of one year for a total amount not to exceed \$10,000,000, contingent on the

appropriation of sufficient funds and on the Director determining that exercising the option is more cost effective for the City than conducting a new bid for the same work; and

- b. Establish a construction contingency for any option year of up to 10%, contingent on the appropriation of sufficient funds; and
4. As to each of the above construction contracts, 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 rebid the projects.

ADOPTED this _____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk