

RESOLUTION NO.

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO (1) AWARD AND EXECUTE THE 7699 – CITYWIDE OUTFALL REHABILITATION PROJECT CONSTRUCTION CONTRACT TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN A TOTAL AMOUNT NOT TO EXCEED \$1,600,000 AND TO APPROVE A CONSTRUCTION CONTINGENCY OF FIFTEEN (15) PERCENT OF THE AMOUNT OF THE CONSTRUCTION CONTRACT, NOT TO EXCEED \$240,000; (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 REBID THE PROJECT; AND (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 OF \$240,000**

**WHEREAS**, the 7699 – Citywide Outfall Rehabilitation Project (“Project”) will rehabilitate six (6) deteriorated storm sewer outfalls located along the Guadalupe River, Coyote Creek, Thompson Creek and Calabazas Creek; and

**WHEREAS**, in order to meet the Project's schedule and various construction work requirements, the bidding and construction contract award processes can be expedited by delegating certain authority to the Director of Public Works; 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 meet the regulation requirements set forth by the California Department of Fish and Wildlife Streambed Alteration Agreement Notification Number 1600-2015-0151-R3, the San Francisco Regional Water Quality Control Board Section 401 Water Quality Certification dated March 19, 2020 and Valley Water Encroachment/Construction permit File Number 33582 expiring on October 15, 2021;

**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 and execute the 7699 – Citywide Outfall Rehabilitation Project construction contract to the lowest responsive and responsible bidder, in a total amount not to exceed \$1,600,000 and to approve a construction contingency of fifteen (15) percent of the amount of the construction contract, not to exceed \$240,000.
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 rebid 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 of \$240,000.

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ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2021, 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