

RESOLUTION NO.

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO (A) AWARD AND EXECUTE THE DESIGN-BID-BUILD CONTRACT FOR THE 9295-SJC AIRPORT ACCESSIBILITY UPGRADES – PHASE 1 PARKING AND ROADWAYS RE-BID PROJECT (PROJECT) TO THE LOWEST, MOST RESPONSIBLE BIDDER STRAWN CONSTRUCTION, INC. IN AN AMOUNT OF \$5,536,371; (B) ESTABLISH A CONSTRUCTION CONTINGENCY OF FIFTEEN (15) PERCENT OF THE AMOUNT OF THE CONSTRUCTION CONTRACT FOR THE PROJECT; AND (C) 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**, the Airport requires certain accessibility improvements in the parking garages/lots, terminal spaces, entrances, restrooms, and other areas for compliance with 2019 California Building Code requirements (“Airport Accessibility Upgrades”); and

**WHEREAS**, the Airport Accessibility Upgrades will be separated and coordinated in four distinct phases; and

**WHEREAS**, the first phase of the Airport Accessibility Upgrades encompasses improvements along curbsides, parking lots/structures, and path of travel between accessible parking and building entrances (“Phase 1 Parking and Roadways Project”); and

**WHEREAS**, in February 2021, bids were opened for the Airport Accessibility Upgrades Phase 1 Parking and Roadways Project, but Airport ultimately rejected the sole

proposal received to explore why it was significantly higher than the engineer's estimate ("EE"); and

**WHEREAS**, after incorporating modifications, the "9295-SJC Airport Accessibilities Upgrades Phase 1 Parking and Roadways Project Re-Bid Project" ("Project") was advertised on April 28, 2021; and

**WHEREAS**, on July 1, 2021, bids were opened for the Project; and

**WHEREAS**, after reconciling certain EE variances, Strawn Construction, Inc., was determined to be the lowest, most responsible bidder; and

**WHEREAS**, the City desires to delegate authority to Director of Public Works to award and execute the design-bid-build contract ("DBB Contract") for the Project to Strawn Construction, Inc., in an amount of \$5,536,371, subject to certain conditions;

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

The Director of Public Works is hereby authorized to:

- (A) Award and execute the DBB Contract for the Project to Strawn Construction, Inc., in an amount of \$5,536,371; and
- (B) Establish a construction contingency of fifteen (15) percent of the amount of the DBB Contract for the Project; and
- (C) Negotiate and execute any single and/or multiple contract change orders for the Project up to the contingency amount.

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