

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

RESOLUTION NO. 2023-XX

RESOLUTION OF THE CITY OF SAN LEANDRO CITY COUNCIL TO AWARD A \$4,217,305 CONSTRUCTION CONTRACT TO SUAREZ & MUNOZ CONSTRUCTION, INC. FOR MEMORIAL PARK IMPROVEMENTS PROJECT, PROJECT NO. 2020.3040; TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND APPROVE INDIVIDUAL CHANGE ORDERS UP TO 5% (OR \$210,866) OF THE ORIGINAL CONTRACT AMOUNT; TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND APPROVE CHANGE ORDERS UP TO A CUMULATIVE VALUE NOT TO EXCEED 15% (OR \$632,596) OF THE ORIGINAL CONTRACT AMOUNT; AND TO APPROPRIATE AN ADDITIONAL \$470,000 FROM GENERAL FUNDS TO THE SUBJECT PROJECT

WHEREAS, the City of San Leandro did, on May 24, 2023, publicly open, examine and declare all sealed proposals or bids for doing the work described in the bid documents for the subject project; and

WHEREAS, said proposals were submitted to the Engineering and Transportation Director who finds that the proposal hereinafter mentioned is the lowest responsive bid by a responsible bidder for doing said work; and

WHEREAS, the subject project is categorically exempt from California Environmental Quality Act; and

WHEREAS, change orders to clarify the work or respond to unusual existing conditions are a normal aspect of public contracting and construction; and

WHEREAS, in order to expedite the delivery of public projects on schedule and on budget, provide that subcontractors and workers are paid in a timely fashion, avoid as much as possible costly delay claims, and insure that the City completes projects and products that are to the City's highest standards, the City Council finds that providing authorization to negotiate and approve change orders is in the best interest of public health, safety and welfare.

NOW, THEREFORE, the City Council of the City of San Leandro does **RESOLVE** as follows:

- That said City Council hereby rejects all of said proposals or bids except that herein mentioned; hereby waives any irregularities in the proposal or bid of the lowest responsible bidder; and hereby awards the contract for doing said work to the lowest responsible bidder to wit, Suarez & Munoz Construction, Inc. in the amount of \$4,217,305; and
- That the City Manager or her designee is authorized to negotiate and approve individual change orders up to a maximum of 5% of the original contract amount, or \$210,866 each;
- That the City Manager or her designee is authorized to negotiate and approve cumulative change orders up to a maximum of 15% of the original contract amount, or \$632,596;
- That \$470,000 of the General Funds are appropriated for the subject project and shall be deposited in account 210-62-142-5240.

BE IT FURTHER RESOLVED:

That if the above-named contractor is unable to execute the contract, then the City Manager is authorized to award this contract to the next lowest responsible bidder, execute all documents to effect the award, and take all actions necessary to recover any bid security from the low bidder necessary to make the City whole in its acceptance of the lowest bid.

Introduced by Councilmember _____ and passed and adopted this 17th day of July 2023, by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

Kelly B. Clancy, CMC
City Clerk

