

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

**RESOLUTION NO. 2024-XXX**

**RESOLUTION TO AWARD A CONSTRUCTION CONTRACT TO DESILVA GATES CONSTRUCTION, LLC IN THE AMOUNT OF \$3,550,550, FOR THE REHABILITATION PHASE FOR THE ANNUAL PAVING 21-23 PROJECT, PROJECT NO. 2022.0050; TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND APPROVE INDIVIDUAL CHANGE ORDERS UP TO 5% (\$177,528) OF THE ORIGINAL CONTRACT AMOUNT; TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND APPROVE CUMULATIVE CHANGE ORDERS UP TO 15% (\$532,583) OF THE ORIGINAL CONTRACT AMOUNT; AND TO REAPPROPRIATE \$266,896 FOR EXISTING PROJECT AND PURPOSE (PROVIDES FOR THE REHABILITATION OF 2.3 LANE MILES OF CITY STREETS)**

**WHEREAS**, the City of San Leandro did, on May 23, 2024, 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 Public Works Director who has found 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 the 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 ensure 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; and

**WHEREAS**, Section 520 of the City of San Leandro Charter specifies that appropriations to capital funds may be carried for no more than five fiscal years.

**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 or omissions in the proposal or bid of the lowest responsible bidder; and hereby awards the contract for doing said work to the lowest responsible bidder, therefore, to wit DeSilva Gates Construction, LLC in the amount of \$3,550,550; and

That the City Manager or her designee is authorized to negotiate and approve individual change orders up to 5%, or \$177,528, of the original contract amount; and

That the City Manager or her designee is authorized to negotiate and approve cumulative change orders up to 15%, or \$532,583 of the original contract amount; and

That the reappropriation of \$266,896 in Account No. 141-38-392 for existing project and purpose is approved.

**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 responsive bid by a responsible bidder, execute all documents to affect 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 15<sup>th</sup> day of July 2024 by the following vote:

<b>AYES:</b>	( )
<b>NOES:</b>	( )
<b>ABSENT:</b>	( )

**ATTEST:** \_\_\_\_\_  
Kelly B. Clancy, CMC  
City Clerk

DRAFT