

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

**RESOLUTION NO. 2022-**

**RESOLUTION OF THE CITY OF SAN LEANDRO CITY COUNCIL TO AWARD A CONSTRUCTION CONTRACT TO SPOSETO ENGINEERING, INC. IN THE AMOUNT OF \$646,640.00, FOR WASHINGTON-CHAPMAN RAILROAD CROSSING IMPROVEMENTS, PROJECT NO. 2016.0320; TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND APPROVE INDIVIDUAL CHANGE ORDERS UP TO 5% OF THE ORIGINAL CONTRACT AMOUNT; TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND APPROVE CUMULATIVE CHANGE ORDERS UP TO 15% OF THE ORIGINAL CONTRACT AMOUNT; TO APPROPRIATE \$250,000.00 FROM MEASURE BB FUNDS TO THE PROJECT; AND TO RE-APPROPRIATE GRANT FUNDS FOR THE PROJECT. (PROVIDES FOR THE CONSTRUCTION OF SAFETY IMPROVEMENTS AT THE WASHINGTON-CHAPMAN RAILROAD CROSSING)**

**WHEREAS**, the City of San Leandro did, on October 26, 2022, 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 has found that the proposal hereinafter mentioned is the lowest responsive bid by a responsible bidder for doing said work; 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 of San Leandro City Council 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 therefore, to wit Sposeto Engineering, Inc., in the amount of \$646,640.00.

That the City Manager or his designee is authorized to negotiate and approve individual change orders up to 5% (or \$32,332.00) of the original contract amount; and

That the City Manager or his designee is authorized to negotiate and approve cumulative change orders up to 15% (or \$96,996.00) of the original contract amount; and

That \$250,000.00 of Measure BB Local Streets and Roads Funds is appropriated to account 141-38-387 for the project; and

That remaining Grant Funds in account 150-38-387 originally appropriated in 2016 are

re-appropriated for the project

**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 effect the award, and take all actions necessary to recover any bid security from the apparent low bidder necessary to make the City whole in its acceptance of the lowest bid.

Introduced by Councilmember \_\_\_\_\_ and passed and adopted this 5<sup>th</sup> day of December 2022, by the following vote:

Members of the Council:

AYES: 0

NOES: 0

ABSENT: 0

ATTEST: \_\_\_\_\_  
Kelly B. Clancy, Acting City Clerk