

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

**RESOLUTION NO. 2026-XXX**

**RESOLUTION TO APPROVE AND AUTHORIZE THE CITY MANAGER TO EXECUTE A \$269,300 CONSTRUCTION CONTRACT WITH APEÑA ENGINEERING, INCORPORATED FOR THE SMALL TRASH CAPTURE DEVICE INSTALLATIONS, PROJECT 2017.0540; TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND APPROVE INDIVIDUAL CHANGE ORDERS UP TO 10% (OR \$26,930) OF THE ORIGINAL CONTRACT AMOUNT; TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND APPROVE CHANGE ORDERS UP TO A CUMULATIVE VALUE NOT TO EXCEED 25% (OR \$67,325) OF THE ORIGINAL CONTRACT AMOUNT; TO ACCEPT THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY'S COMMUNITY GRANT IN THE AMOUNT OF \$1,000,000 AND EXECUTE ALL DOCUMENTS RELATED TO THE GRANT; AND TO APPROPRIATE \$1,000,000 IN GRANT FUNDS**

**WHEREAS**, the City of San Leandro did, on February 12, 2026, 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 for comparison and recommendation; 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**, the City of San Leandro is required to meet the California Regional Water Quality Control Board San Francisco Bay Region Municipal Regional Stormwater NPDES Permit Order No. R2-2022-0018 NPDES Permit No. CAS612008 dated May 11, 2022 (MRP) requirements under Provision "C.10" for trash load reduction in runoff from the City's stormwater system; and

**WHEREAS**, the purpose of the small Trash Capture Device project is to remove trash from the City's stormwater discharge water in compliance with Provision C.10; and

**WHEREAS**, the United States Environmental Protection Agency's (EPA) Community Grant Program provides funding for the planning, design, and construction of drinking water, wastewater, and stormwater infrastructure projects, as well as water quality protection; and

**WHEREAS**, Eligible Community Grant projects, including this project, are included in the Consolidated Appropriations Act, 2022, also referred to as the EPA's FY 2022 Appropriations Act; and

**WHEREAS**, on September 24, 2025, the City of San Leandro was awarded a grant in the amount of \$1,000,000 from Region 9 of the United States Environmental Protection Agency.

**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 Apeña Engineering, Inc. in the amount of \$269,300 for the Total Bid; and

That the City Manager or her designee is authorized to negotiate and approve individual change orders up to 10%, or \$26,930, of the original contract amount; and

That the City Manager or her designee is authorized to negotiate and approve cumulative change orders up to 25%, or \$67,325 of the original contract amount; and

That the City Manager is hereby authorized to appropriate \$1,000,000 to accounts 150-3608 (revenue) and 150-38-453 (expenditure); and

That the City of San Leandro City Manager or her designee is hereby authorized and directed to execute the Grant Agreement with the EPA and any amendments thereto; and

That the City of San Leandro City Manager or her designee is hereby authorized to execute all documents and take all actions necessary to effect the purpose and intent of this Resolution.

**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 2<sup>nd</sup> day of March 2026 by the following vote:

**AYES:** \_\_\_\_\_ ( )

**NOES:** \_\_\_\_\_ ( )

**ABSENT:** \_\_\_\_\_ ( )

**ATTEST:** \_\_\_\_\_  
Sarah Bunting  
Acting City Clerk