

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 SPENCON CONSTRUCTION, INC. IN THE AMOUNT OF \$699,000, FOR ANNUAL SIDEWALK REPAIR PROGRAM 2021-2022, PROJECT NO. 2022.0060; TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND APPROVE INDIVIDUAL CHANGE ORDERS UP TO 5% OF THE ORIGINAL CONTRACT AMOUNT; AND TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND APPROVE CUMULATIVE CHANGE ORDERS UP TO 25% OF THE ORIGINAL CONTRACT AMOUNT**

**WHEREAS**, the City of San Leandro did, on April 6, 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**, 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.

**NOW, THEREFORE**, the City of San Leandro City Council hereby **RESOLVES** 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 Spencon Construction, Inc., in the amount of \$699,000; and

That the City Manager or her designee is authorized to negotiate and approve individual change orders up to 5%, or \$34,950, 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 \$174,750 of the original contract amount.

**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 low bidder necessary to make the City whole in its acceptance of the lowest bid.

Introduced by Councilmember \_\_\_\_\_ and passed and adopted this 21st day of June 2022,  
by the following vote:

Members of the Council:

AYES:

NOES:

ABSENT:

ATTEST: \_\_\_\_\_  
Leticia I. Miguel, City Clerk