

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

**RESOLUTION NO. 2023-XX**

**CITY OF SAN LEANDRO CITY COUNCIL RESOLUTION TO AWARD A \$893,400 CONSTRUCTION CONTRACT TO SPOSETO ENGINEERING INC. FOR THE CURB RAMP UPGRADES FOR ANNUAL STREET SEAL 2021-2023 PROJECT, PROJECT NO. 2022.0070; TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND APPROVE INDIVIDUAL CHANGE ORDERS UP TO 5% (OR \$44,670) OF THE ORIGINAL CONTRACT AMOUNT; AND TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND APPROVE CHANGE ORDERS UP TO A CUMULATIVE VALUE NOT TO EXCEED 25% (OR \$223,350) OF THE ORIGINAL CONTRACT AMOUNT**

**WHEREAS**, the City of San Leandro did, on April 19, 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 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 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 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, Sposeto Engineering Inc. in the amount of \$893,400; 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 \$44,670 each;
- That the City Manager or her designee is authorized to negotiate and approve cumulative change orders up to a maximum of 25% of the original contract amount, or \$223,350;

**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 5<sup>th</sup> day of June 2023, by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

\_\_\_\_\_  
Kelly B. Clancy, CMC  
City Clerk