

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

**RESOLUTION NO. 2023-**

**RESOLUTION OF THE CITY OF SAN LEANDRO CITY COUNCIL TO APPROVE AND AUTHORIZE THE CITY MANAGER TO AWARD A CONSTRUCTION CONTRACT TO TRICON CONSTRUCTION, INC. IN THE AMOUNT OF \$1,655,573.60 FOR THE WASHINGTON MANOR PARK POOL RENOVATION, PROJECT NO. 2023.3400; TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND APPROVE INDIVIDUAL CHANGE ORDERS UP TO 10% (\$165,557) OF THE ORIGINAL CONTRACT AMOUNT; AND TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND APPROVE CUMULATIVE CHANGE ORDERS UP TO 25% (\$413,893) OF THE ORIGINAL CONTRACT AMOUNT**

**WHEREAS**, the City of San Leandro did on November 30th, 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 Public Works Services Director, who 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 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 in the proposal or bid of the lowest responsible bidder; and hereby awards the contract for doing said work to the lowest responsible bidder to wit, Tricon Construction, Inc., in the amount of \$1,655,573.60; and
- That the City Manager or her designee is authorized to negotiate and approve individual change orders up to a maximum of 10% of the original contract amount, or \$165,557 each; and
- 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 \$413,893.

**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 \_\_\_\_\_ and passed and adopted this 18<sup>th</sup> day of December 2023, by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

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

DRAFT