

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

**RESOLUTION NO. 2024-XXX**

**RESOLUTION TO APPROVE THE AWARD OF A CONSTRUCTION CONTRACT FOR THE BASE BID PLUS ADDITIVE BID ALTERNATE A TO PENCOR GENERAL CONTRACTORS, INC. IN THE AMOUNT OF \$678,034.51, FOR THE SAN LEANDRO MARINA BUILDINGS DEMOLITION PROJECT, PROJECT NO. 2020.3080; AND TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND APPROVE CUMULATIVE CHANGES ORDERS UP TO 15% OF THE ORIGINAL CONTRACT AMOUNT (PROVIDES FOR THE DEMOLITION OF STRUCTURES IN THE MARINIA SHORELINE IN PREPARATION FOR PLANNED REDEVELOPMENT)**

**WHEREAS**, the City of San Leandro did, on September 4, 2024, 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**, as stated in Addendum No. 1, determination of the low monetary bidder was based on the Base Bid plus Additive Bid Alternate A; and

**WHEREAS**, said proposals were submitted to the Public Works Director who has found that the proposal hereinafter mentioned is the lowest responsive bid by a responsible bidder for doing said work; and

**WHEREAS**, staff recommends, and the City Council seeks, to add Additive Bid Alternate A to the construction contract; and

**WHEREAS**, the subject project is included in the work covered by an EIR certified in 2015 and amended in 2020; 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, therefore, to wit Pencor General Contractors, Inc. for the Base Bid plus Additive Bid Alternate A in the amount of \$678,034.51; and

That the City Manager or her designee is authorized to negotiate and approve cumulative change orders up to 15%, or \$101,700 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 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 \_\_\_\_\_ and passed and adopted this 16<sup>th</sup> day of September 2024 by the following vote:

**AYES:** ( )

**NOES:** ( )

**ABSENT:** ( )

**ATTEST:** \_\_\_\_\_

Kelly B. Clancy, CMC  
City Clerk

DRAFT