



## Legislation Text

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**File #:** 19-569, **Version:** 1

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RESOLUTION of the City of San Leandro City Council to Award a \$6,222,450 Construction Contract to Tricon Construction, Inc. for the Farrelly Pool Replacement Project, Project No. 2018.3420; to Authorize the City Manager to Negotiate and Approve Individual Change Orders Up to 5% (or \$311,123) of the Original Contract Amount; to Authorize the City Manager to Negotiate and Approve Change Orders Up to a Cumulative Value of 15% (or \$933,368) of the Original Contract Amount; and to Appropriate \$3,950,000 for the Project in Fiscal Year 2019-20. (Provides for construction of the new Farrelly Pool Replacement Aquatics facility)

WHEREAS, the City of San Leandro did, on October 15, 2019, 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, 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 that are to the City's highest standards, the City Council finds that providing authorization to the City Manager 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 base bid work to the lowest responsible bidder therefore, to wit Tricon Construction, Inc, in the amount of \$6,222,450; and

That the City Manager or his designee is authorized to negotiate and approve individual change orders up to a maximum of 5% of the original contract amount, or \$311,123 each; and

That the City Manager or his designee is authorized to negotiate and approve cumulative change orders up to a maximum of 15% of the original contract amount, or \$933,368; and

That \$2,455,000 of General Fund funds currently appropriated for the Boat Harbor Decommissioning project in account 210-57-203 be transferred to the Farrelly Pool Replacement

project in account 210-62-131; and

That \$495,000 in Park Development Fees be appropriated from fund balance 122 into account 210-62-131 for the Farrelly Pool Replacement project; and

That \$475,000 of General Fund funds currently appropriated for the City Park Major Maintenance project in account 210-62-137 be transferred to the Farrelly Pool Replacement project in account 210-62-131; and

That \$170,000 of General Fund funds currently appropriated for the Main Library AV Equipment project in account 210-38-374 be transferred to the Farrelly Pool Replacement project in account 210-62-131; and

That \$170,000 of General Fund funds currently appropriated for the Marina Community Center AV Equipment project in account 210-38-370 be transferred to the Farrelly Pool Replacement project in account 210-62-131; and

That \$150,000 of General Fund funds currently appropriated for the Police Building & South Offices Modification project in account 210-18-137 be transferred to the Farrelly Pool Replacement project in account 210-62-131; and

That \$20,000 of General Fund funds currently appropriated for the Engineering Studies 2018-19 in account 210-18-143 be transferred to the Farrelly Pool Replacement project in account 210-62-131; and

That \$15,000 of General Fund funds currently appropriated for the Engineering Studies 2017-18 project in account 210-18-140 be transferred to the Farrelly Pool Replacement project in account 210-62-131;

**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.