



## Legislation Text

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**File #:** 18-090, **Version:** 1

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RESOLUTION to Award a Construction Contract to Sposeto Engineering, Inc., in the Amount of \$569,311 for the Annual Sidewalk Repair Program 2017-18, Project No. 2017.0060; Authorization for the City Manager to Negotiate and Approve Individual Change Orders up to 5% of the Original Contract Amount; and Authorization for the City Manager to Negotiate and Approve Cumulative Change Orders up to 25% of the Original Contract Amount

WHEREAS, the City of San Leandro operates a Sidewalk Repair Program in accordance with San Leandro Municipal Code Sections 5-1-415 and 5-1-420; and

WHEREAS, the City's program conforms to California Streets and Highways Code Section 5600 through 5630; and

WHEREAS, operation of the City's program is defined in Sections 8.1.110 through 8.1.125 "Sidewalk Repair Program" of the San Leandro Administrative Code; and

WHEREAS, the City of San Leandro, on February 6, 2018, did 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 Department 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 modify bid quantities or respond to unexpected conditions are a normal aspect of public contracting and construction; and

WHEREAS, in order to deliver quality of public projects on schedule and within budget, the City Council finds that authorizing approval of 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 awards the contract for the annual Sidewalk Repair Program 2017-18, Project No. 2017.0060, to the lowest responsible bidder and waives any bid irregularities, to wit Sposeto Engineering, Inc. in the amount of \$569,311, and hereby rejects all other bids; and

That the City Manager or his designee is hereby authorized to negotiate and approve

individual Change Orders up to a maximum of \$28,465, which is 5% of the original contract amount, each; and

That the City Manager or his designee is authorized to negotiate and approve cumulative Change Orders up to a maximum of \$142,327, which is 25% of the original contract amount; and

**BE IT FURTHER RESOLVED:**

That if the lowest responsible bidder is unable to execute the contract, then the City Manager is authorized to award this contract to the responsible bidder who submitted the next lowest responsive bid, 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.