



Legislation Text

File #: 19-594, **Version:** 1

RESOLUTION of the City of San Leandro City Council to Award a Construction Contract to Spencon Construction, Inc., in the Amount of \$1,172,980 for the Annual Sidewalk Repair Program 2019-20, Project No. 2019.0060; to Authorize the City Manager to Negotiate and Approve Individual Change Orders up to 5% or \$58,649 of the Original Contract Amount; to Authorize the City Manager to Negotiate and Approve Cumulative Change Orders up to 27% or \$316,705 of the Original Contract Amount; and to Appropriate \$170,000 in Measure B Funds for the Project in Fiscal Year 2019-20

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 Sections 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 did, on October 22, 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 Department Director who has 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 according to a Notice of Exemption filed with the Alameda County Recorder's Office on September 27, 2019; and

WHEREAS, change orders to modify bid quantities or add items may be necessary to respond to unexpected or unforeseen conditions during construction; and

WHEREAS, the City Council finds that authorizing the City Manager or his designee to 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 awards the contract for the Annual Sidewalk Repair Program 2019-20, Project No. 2019.0060, to the lowest responsible bidder and waives any bid irregularities, to wit Spencon Construction, Inc., in the amount of \$1,172,980, and hereby rejects all other bids subject to bidder's execution of the contract; and

That the City Manager or his designee is hereby authorized to negotiate and approve individual Change Orders up to a maximum of \$58,649 each, which is 5% of the original contract amount; and

That the City Manager or his designee is authorized to negotiate and approve cumulative Change Orders up to a maximum of \$316,705 total, which is 27% of the original contract amount; and

That \$170,000 is hereby appropriated from Measure B Bicycle & Pedestrian Fund balance to account 144-36-414 to fully fund the project; 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.