

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AUTHORIZING THE CITY MANAGER TO AWARD TO AND EXECUTE A CONSTRUCTION CONTRACT WITH THE LOWEST RESPONSIBLE BIDDER, S & H CONSTRUCTION, INC., IN THE AMOUNT OF \$898,600 AND AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO NEGOTIATE AND EXECUTE CHANGE ORDER(S) IN THE CUMMULATIVE AMOUNT NOT TO EXCEED \$100,000 FOR THE MILPITAS SPORTS CENTER LOCKER ROOM RENOVATION, PROJECT NO. 3408**

**WHEREAS**, on January 7, 2014, the City Council approved the project plans and specifications and authorized the advertisement for construction bid proposals for the Milpitas Sports Center Locker Room Renovation, Project 3408, (“Project”), which consists of a complete renovation of the men’s and women’s locker rooms at the Milpitas Sports Center; and

**WHEREAS**, the Engineer’s Estimate for the base bid Project work was \$835,000; and

**WHEREAS**, the Project was advertised and six (6) sealed bid proposals were received and opened on February 13, 2014, which ranged from \$898,600 to \$1,329,323, and the lowest responsible base bid was submitted by S & H Construction, Inc., in the amount of \$898,000; and

**WHEREAS**, no bid protest was filed with the City within five (5) days of the bid opening as set forth in the project plans and specifications; and

**WHEREAS**, staff recommends the City Council authorize the City Manager to award to and execute a construction contract with the lowest responsible bidder for the Project in conformity with State law and City requirements; and

**WHEREAS**, due to the Project’s tight completion schedule and ability for staff to respond swiftly to unanticipated construction conditions in order to limit potential claims or risk to the City, staff recommends the City Council authorize the Director of Public Works to negotiate and execute change order(s) in an amount not to exceed the construction contingency established for this Project of \$100,000, which is approximately eleven percent (11) percent of the estimated construction cost; and

**WHEREAS**, this Project is categorically exempt under Section 15301 (Existing Facilities) of the CEQA Guidelines for restoration or rehabilitation of deteriorated or damaged structures.

**NOW, THEREFORE**, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Manager is authorized to award to and execute a construction contract and related documents with the lowest responsible bidder, S & H Construction, Inc., for the Milpitas Sports Center Locker Room Renovation, Project 3408, in the amount of \$898,600.

3. The Director of Public Works is authorized to negotiate and execute change order(s) for the Milpitas Sports Center Locker Room Renovation, Project 3408, in the cumulative contingency amount not to exceed \$100,000 for the Project.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael J. Ogaz, City Attorney



CITY OF MILPITAS  
ENGINEERING DIVISION  
BID SUMMARY

**Project Name:** Milpitas Sports Center Locker Room Renovation Project  
**Project No. :** 3408  
**Bid Date:** February 13, 2014

BASED BID

		Engineer's Estimate		S&H Construction, Inc.		CRW Industries, Inc.		Southland Construction		Calstate Construction, Inc.		Omni Construction, Inc.		Tucker Construction Inc.			
ITEM	DESCRIPTION	Qty.	UNIT	Unit Cost	Extension	Unit Cost	Extension	Unit Cost	Extension	Unit Cost	Extension	Unit Cost	Extension	Unit Cost	Extension		
1	Base Contract Work	1	LS	\$826,000.00	\$826,000.00	\$888,600.00	\$888,600.00	\$938,210.00	\$938,210.00	\$955,200.00	\$955,200.00	\$995,555.00	\$995,555.00	\$1,050,000.00	\$1,050,000.00	\$1,320,523.00	\$1,320,523.00
2	Concrete Moisture -Vapor Control System	2,000	SF	\$4.50	\$9,000.00	\$5.00	\$10,000.00	\$3.65	\$7,300.00	\$2.88	\$5,760.00	\$5.00	\$10,000.00	\$4.00	\$8,000.00	\$4.40	\$8,800.00
<b>TOTAL</b>					\$835,000.00		\$898,600.00		\$945,510.00		\$960,960.00		\$1,005,555.00		\$1,058,000.00		\$1,329,323.00
						Apparent Low Bidder											

City of Milpitas, California

**BUDGET CHANGE FORM**

Type of Change	From		To	
	Account	Amount	Account	Amount
Check one:				
<input checked="" type="checkbox"/> Budget Appropriation	330-2940 331-9513408-15- 3899	\$ 800,000  800,000	330-3999 331-9513408-7- 4800	\$ 800,000  800,000
<input type="checkbox"/> Budget Transfer				

**Explain the reason for the budget change:**

**Background:** On January 7, 2014, the City Council approved the project plans and specifications and authorized the advertisement for construction bid proposals for Milpitas Sports Center Locker Room Renovation Project No 3408. The project provides for the complete reconstruction of both the men's and women's locker rooms, including new interior walls with concrete curbs, as required by both the Plumbing and Health Codes, and complete replacement of the sewer line serving the locker rooms. In addition, new restrooms, lockers, benches, fixtures, shower stalls, flooring, drinking fountains, and finishes will be included in the project. Mechanical and electrical systems serving the locker rooms would be upgraded to meet current code requirements. The Engineer's Estimate for the base bid project work was \$835,000.

The project was advertised and six (6) sealed bid proposals were received on February 13, 2014. Bid proposals ranged from \$898,600 to \$1,329,323, and the lowest responsible base bid was submitted by S & H Construction, Inc. in the amount of \$898,600. Staff recommends the City Council to award the contract to S & H Construction, Inc.

As was previously approved for the successful completion of recent projects with tight completion schedules, staff is requesting the use of the same change order policy. This policy allows for the timely completion of the Milpitas Sports Center Locker Room Renovation Project, while addressing the need to respond swiftly to construction conditions and approving necessary change orders, in order to limit potential claims or risk to the City. The construction contingency established for this project is \$100,000, and the change order authority would not exceed this amount and would not require additional appropriation.

This project is categorically exempt under Section 15301 (Existing Facilities) of the CEQA Guidelines for restoration or rehabilitation of deteriorated or damaged structures.

**Fiscal Impact:** A budget appropriation in the amount of \$800,000 from the General Government CIP fund is required to award this project.

**Recommendations:**

1. Adopt a Resolution authorizing the City Manager to award and execute a construction contract with S & H Construction, Inc. for the Milpitas Sports Center Locker Room Renovation, Project No. 3408, in the amount of \$898,600, and
2. Authorize the Director of Public Works to negotiate and execute change order(s) for Milpitas Sports Center Locker Room Renovation Project No. 3408, in the cumulative contingency amount not to exceed \$100,000 for the project.

Check if City Council Approval required.

Meeting Date: March 4, 2014

<b>Requested by:</b>	Steve Erickson, CIP Manager	<b>Date:</b> February 20, 2014
<b>Reviewed by:</b>	<b>Finance Director:</b> 	<b>Date:</b> 2/21/14
<b>Approved by:</b>	<b>City Manager:</b>	<b>Date:</b>
<b>Date approved by City Council, if required:</b>		<b>Confirmed by:</b>

FI/24786/V

Form 30-222 (Rev. 1/92)