

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AWARDING A CONSTRUCTION CONTRACT TO AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH THE LOWEST RESPONSIBLE BIDDER, PCD, IN THE AMOUNT OF \$148,563, AND AUTHORIZING THE DIRECTOR OF ENGINEERING TO NEGOTIATE AND EXECUTE CHANGE ORDER(S) IN THE CUMULATIVE AMOUNT NOT TO EXCEED \$15,000 FOR THE COMMUNITY CENTER AUDITORIUM AV SYSTEMS UPGRADE PROJECT NO. 3406**

**WHEREAS**, on February 3, 2015, the City Council approved the project plans and specifications and authorized the advertisement for construction bid proposals for Community Center Auditorium AV Systems Upgrade Project No. 3406 (the “Project”), which provides for the installation of replacement audio equipment for the Community Center auditorium; and

**WHEREAS**, the Engineer’s Estimate for the base bid Project work was \$175,000; and

**WHEREAS**, the Project was advertised and three (3) sealed bid proposals were received and opened on March 12, 2015, which ranged from \$148,563.00 to \$285,272.35, and the lowest responsible base bid was submitted by PCD in the amount of \$148,563.00; 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**, sufficient funds to award the Project are available in the Project budget, 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

**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 Engineering to negotiate and execute change order(s) in an amount not to exceed the construction contingency established for this Project of \$15,000, which is approximately ten percent (10%) of the estimated construction cost.

**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 Council hereby awards the construction contract to and authorizes the City Manager to execute a construction contract and related documents with the lowest responsible bidder, PCD, for the Community Center Auditorium AV System Upgrades Project No. 3406, in the amount of \$148,563.

3. The Director of Engineering is hereby authorized to negotiate and execute contract change order(s) for the Community Center Auditorium AV System Upgrades Project No. 3406 in the cumulative contingency amount not to exceed \$15,000 for the Project.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015 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