

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, DESILVA GATES CONSTRUCTION, IN THE AMOUNT OF \$1,846,846 AND AUTHORIZING THE DIRECTOR OF ENGINEERING TO NEGOTIATE AND EXECUTE CHANGE ORDER(S) IN THE CUMULATIVE AMOUNT NOT TO EXCEED \$300,000 FOR THE 2014 ROAD REHABILITATION, PROJECTS NO. 4270, NO. 4264 AND NO. 3412, FEDERAL AID PROJECT NO. STPL-5314(010)

WHEREAS, on February 18, 2014, the City Council approved the project plans and specifications and authorized the advertisement for construction bid proposals for 2014 Road Rehabilitation, Project No.'s 4270, 4264 and 3412, Federal Project No. STPL-5314(010) (collectively, the "Project"), which consists of localized repair of failed asphalt concrete pavement, resurfacing asphalt concrete pavement, replacement of traffic detector loops, installation of American's with Disabilities Act (ADA) compliant sidewalk ramps, repairing damaged sidewalks, curbs and gutters and reinstalling pavement delineation on the following street segments:

- 1) Arizona Avenue between Washington Drive and Tiny Street;
- 2) Dixon Road between Milpitas Boulevard and Arizona Avenue;
- 3) Washington Drive between Milpitas Boulevard and Escuela Parkway;
- 4) Escuela Parkway between Jacklin Road and Washington Drive;
- 5) Abel Street between Corning Avenue and Calaveras Boulevard;
- 6) Abel Street between Great mall parkway and 600 feet south of Capitol Avenue;
- 7) Main Street between Cedar Way and Abel Street; and

WHEREAS, the Engineer's Estimate for the base bid Project work was \$2,350,000; and

WHEREAS, the Project was advertised and eight (8) sealed bid proposals were received and opened on April 29, 2015, which ranged from \$1,846,846.00 to \$2,305,261.11, and the lowest responsible base bid was submitted by DeSilva Gates Construction in the amount of \$1,846,846.00; 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 budgets, and staff recommends the City Council to award the contract and authorize the City Manager 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 \$300,000, which is approximately sixteen percent (16%) 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, DeSilva Gates Construction, for the 2014 Road Rehabilitation, Project No.'s 4270, 4264 and 3412, Federal Project No. STPL-5314(010), in the amount of \$1,846,846.00.
- 3. The Director of Engineering is hereby authorized to negotiate and execute contract change order(s) for the Community 2014 Road Rehabilitation, Project No.'s 4270, 4264 and 3412, Federal Project No. STPL-5314(010), in the cumulative contingency amount not to exceed \$300,000.00 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