

**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, CALIFORNIA COMMERCIAL POOLS, INC., IN THE AMOUNT OF \$1,441,000 AND AUTHORIZING THE DIRECTOR OF ENGINEERING/CITY ENGINEER TO NEGOTIATE AND EXECUTE CHANGE ORDER(S) IN THE CUMULATIVE AMOUNT NOT TO EXCEED \$144,000 FOR THE MILPITAS SPORTS CENTER POOL REPAIR PROJECT, PROJECTS NO. 3408 AND NO. 5103**

**WHEREAS**, on June 16, 2015, the City Council approved the project plans and specifications and authorized the advertisement for construction bid proposals for the Milpitas Sports Center Pool Repairs Project, Projects No. 3408 and No. 5103, which provides for the resurfacing of the yard, meter, and training pools, installation of new Americans with Disabilities Act (ADA) entries, lighting, concrete deck, drainage systems, shade structures, and related equipment and appurtenances. The project will also remove the non-operational wading pool which is a safety hazard; and

**WHEREAS**, the Engineer’s Estimate for the base bid Project work was \$1,500,000; and

**WHEREAS**, the Project was advertised and three sealed bid proposals were received on July 28, 2015. The bid pricing ranged from \$1,346,000 to \$2,299,302. The lowest responsible bid was submitted by California Commercial Pools, Inc in the amount of \$1,346,000; and

**WHEREAS**, the bid package included one (1) add alternate item for consideration of submitted pricing after bid opening. Staff recommends awarding the package with this item for a not-to-exceed amount of \$95,000, 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**, sufficient funds to award the Project are available in the Project budgets, and 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 staff’s ability 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/City Engineer to negotiate and execute change order(s) in an amount not to exceed the construction contingency of \$144,100 established for this Project, which is approximately ten (10) percent 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, California Commercial Pools Inc., for the Milpitas Sports Center Pool Repairs Project, Projects No. 3408 and No. 5103, in the amount of \$1,441,000.

- 3. The Director of Engineering/City Engineer is hereby authorized to negotiate and execute contract change order(s) for the Milpitas Sports Center Pool Repairs Project, Projects No. 3408 and No. 5103, in the cumulative contingency amount not to exceed \$144,100.00 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:

\_\_\_\_\_  
Gary M. Baum, Interim City Attorney



**CITY OF MILPITAS**  
**ENGINEERING DIVISION**  
**BID SUMMARY**

**\*9B**

**Project Name:** Milpitas Sports Center Pool Repairs Project  
**Project No. :** 3408 & 5103  
**Bid Date:** 07/28/15 @ 2:00 PM

<u>BASE BID</u>				Engineer's Estimate		California Commercial Pools, Inc.		Water Works Industries, Inc		Tricon Construction, Inc	
ITEM	DESCRIPTION	Qty.	UNIT	Unit Cost	Extension	Unit Cost	Extension	Unit Cost	Extension	Unit Cost	Extension
1	Base Contract Work	1	LS	\$1,500,000.00	\$1,500,000.00	\$1,346,000.00	\$1,346,000.00	\$1,475,000.00	\$1,475,000.00	\$2,299,302.00	\$2,299,302.00
<b>TOTAL</b>				\$1,500,000.00		\$1,346,000.00		\$1,475,000.00		\$2,299,302.00	
						APPARENT LOW BIDDER					

**ADD ALTERNATE BID ITEMS**

				Engineer's Estimate		California Commercial Pools, Inc.		Water Works Industries, Inc		Tricon Construction, Inc	
ITEM	DESCRIPTION	Qty.	UNIT	Unit Cost	Extension	Unit Cost	Extension	Unit Cost	Extension	Unit Cost	Extension
A	Disposal of Pool Water	1	LS	\$15,000.00	\$15,000.00	\$95,000.00	\$95,000.00	\$38,000.00	\$38,000.00	\$55,000.00	\$55,000.00
<b>Total</b>				\$15,000.00		\$95,000.00		\$38,000.00		\$55,000.00	

**List of Sub-contractors**

	California Commercial Pools, Inc.	Water Works Industries, Inc	Tricon Construction, Inc
Pool Tile	Rebel Industries		
Electrical	Falcon Electric	Aqua Systems	
Shade Structure	USA Shade Structure		
Strip & Plaster	Adams Pool Solutions		
Demolition	DCE Services	Concrete Demo Works	Concrete Demo Works
Plumbing	Dave Miller Plumbing		
Concrete		BCI	BCI
Pool Tile & Plaster		Burkett's	Burkett's
Fence/Gate		Crusader Fence Co.	Crusader Fence Co.
Caiking		Mastercraft Waterproofing	

**Construction Change Order Policy for Milpitas Sports Center Pool Repairs Project, Project No. 3408 & 5103.**

2007 City Council Approved Construction Change Order Policy

<b><u>Construction Award Award Amount</u></b>	<b><u>Individual Administrative Change Order Authority</u></b>	<b><u>Cumulative Change Order Authority</u></b>
Under \$50,000	\$5,000	\$7,500
Over \$50,000	10% of Award or \$25,000 whichever is small	15% of Award or \$100,000 whichever is smaller

Milpitas Sports Center Pool Repairs Project Change Order Policy

<b><u>Construction Award Award Amount</u></b>	<b><u>Individual Administrative Change Order Authority</u></b>	<b><u>Cumulative Change Order Authority</u></b>
\$1,441,000.00	N/A	\$144,100.00