

**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 SUBMITTING A RESPONSIVE BID, O’GRADY PAVING, INC., IN THE AMOUNT OF \$1,977,749, ESTABLISHING A CONSTRUCTION CONTINGENCY OF \$200,000 AND AUTHORIZING THE DIRECTOR OF ENGINEERING/CITY ENGINEER TO NEGOTIATE AND EXECUTE CHANGE ORDER(S) IN AN AGGREGATE AMOUNT NOT TO EXCEED THE CONSTRUCTION CONTINGENCY OF \$200,000 FOR THE STREET RESURFACING 2016 PROJECT, PROJECT NO. 4280**

**WHEREAS**, on June 7, 2016, the City Council approved the project plans and specifications and authorized the advertisement for construction bid proposals for the Street Resurfacing 2016 Project, Project No. 4280 (“Project”), which provides for localized repair of failed asphalt concrete pavement, resurface asphalt concrete pavement, install ADA compliant sidewalk ramps, repair damaged sidewalk, curb and gutter and reinstall pavement delineation on the following street segments:

- McCarthy Boulevard between Barber Lane and Tasman Drive
- Tasman Drive between McCarthy Boulevard and Alder Drive; and

**WHEREAS**, the Engineer’s Estimate for the base bid Project work is \$1,800,000.00; and

**WHEREAS**, the Project was advertised and two sealed bid proposals were received on July 19, 2016. The bid pricing ranged from \$1,977,749.00 to \$2,294,292.00. The lowest responsible bidder submitting a responsive bid is O’Grady Paving, Inc., with a bid amount of \$1,977,749.00; 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 previously approved Project budget; and

**WHEREAS**, in accordance with State law, staff recommends the City Council authorize the City Manager to award to and execute a construction contract with O’Grady Paving, Inc., as the lowest responsible bidder submitting a responsive bid for the Project; and

**WHEREAS**, due to the Project’s tight completion schedule and the associated need 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/City Engineer to negotiate and execute change order(s) in an amount not to exceed the construction contingency of \$200,000 established for this Project, which is approximately ten (10) percent of the total contract value.

**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 submitting a responsive bid, O'Grady Paving, Inc., for the Project in the amount of \$1,977,749.
3. The City Council hereby establishes a construction contingency in the amount of \$200,000 for the Project, and the Director of Engineering/City Engineer is hereby authorized to negotiate and execute contract change order(s) for the Project in an aggregate amount not to exceed the construction contingency of \$200,000.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

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

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Christopher J. Diaz, City Attorney