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 $3,296,097.00 AND AUTHORIZING THE DIRECTOR OF ENGINEERING/CITY ENGINEER TO NEGOTIATE AND EXECUTE CHANGE ORDER(S) IN AN AGGREGATE AMOUNT NOT TO EXCEED $300,000.00 FOR THE STREET RESURFACING 2017 PROJECT, PROJECT NO. 4284

WHEREAS, on April 4, 2017, the City Council approved the plans and specifications and authorized the advertisement for construction bid proposals for the Street Resurfacing 2017 Project, Project No. 4284 (“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:

1. Milpitas Boulevard between Hanson Court and northerly City limit;
2. Dixon Landing between Milpitas Boulevard and 400 feet east of Milmont Drive.

This Project will also include localized repair of failed asphalt concrete pavement on the following street segments:

1. McCarthy Boulevard between Ranch Drive and northerly City limit;
2. Abbott Avenue between Calaveras Boulevard and Rudyard Drive;
3. Main Street between Corning Avenue and Curtis Avenue;
4. Yosemite Drive between Milpitas Boulevard and Vista Way;
5. Dempsey Road between French Court and Landess Avenue;
6. Tasman Drive between Alder Drive and I-880 Overpass; and

WHEREAS, the Engineer’s Estimate for the base bid Project work is approximately $3,300,000.00; and

WHEREAS, the Project was advertised and one sealed bid proposal was received on May 31, 2017. The bid pricing is $3,296,097.00. The lowest responsible bidder submitting a responsive bid is O’Grady Paving, Inc., in the amount of $3,296,097.00; 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. In accordance with State law, staff recommends the City Council authorize the City Manager to award to and execute a construction contract with the lowest responsible bidder submitting a responsive bid for the Project; 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 $300,000.00 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 submitting a responsive bid, O’Grady Paving, Inc., for the Project, in the amount of $3,296,097.00.

3. 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 $300,000.00 for the Project.

PASSED AND ADOPTED this ____ day of ____, 2017 by the following vote:

AYES: 
NOES: 
ABSENT: 
ABSTAIN: 

ATTEST: ___________________________ APPROVED: ___________________________
Mary Lavelle, City Clerk Rich Tran, Mayor

APPROVED AS TO FORM:

______________________________
Christopher J. Diaz, City Attorney