

(b) Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSÉ AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO: (1) AWARD AND EXECUTE A CONTRACT FOR THE CONSTRUCTION OF 9813 – SAN JOSÉ MUNICIPAL WATER NEW OFFICES PROJECT TO THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER IN AN AMOUNT NOT TO EXCEED \$38,214,500; (2) DECIDE ANY TIMELY BID PROTEST(S) AND MAKE THE CITY’S FINAL DETERMINATION AS TO THE LOWEST RESPONSIVE BIDDER; AND (3) APPROVE A CONTINGENCY OF UP TO 15% OF THE AMOUNT OF THE CONSTRUCTION CONTRACT FOR THE PROJECT

WHEREAS, San José Municipal Water’s main offices and maintenance facility, located at 3025 Tuers Road, San José, include a converted vehicle storage warehouse, a temporary mobile office trailer, and an administration building, all of which are costly to maintain, have operational issues, and have reached the end of their useful life; and

WHEREAS, a preliminary study assessed the existing conditions of the buildings and site and subsequently, the Director of Public Works (“Director”) selected the option to demolish the existing building and construct a new building at the current site; and

WHEREAS, the project base bid scope includes the demolition of the existing buildings, the parking lot, and communication tower, and the construction of a new two-story, 22,280-square foot office building, an adjacent 6,000-square foot storage building, a new communication tower and pad, a new parking lot, and the installation of a new emergency generator; conference and training rooms, customer service areas, a water quality laboratory, a map room for utility plans and documents, a warehouse for equipment, materials, and parts; a welding shop for metalwork and fabrication needs; site security systems; and site fencing, with a base bid scope of work estimated is \$33,230,000; and

WHEREAS, in addition to the base bid scope of work, the bid includes the following two Bid Alternates:

Bid Alternate Descriptions	Engineer's Estimate
1. Photovoltaic System	\$ 450,000
2. Battery Energy Storage System	\$2,145,000

WHEREAS, on April 12, 2023, City publicly advertised for bids, received questions from bid package takers, made minor changes to the design, and extended the bide deadline to June 15, 2023; construction is scheduled to begin in September 2023 with a completion in March 2025; and

WHEREAS, although San José Municipal Code Section 27.04.050 provides for a standard contingency of 10% on all public works contracts except those involving the renovation of a building or buildings, a contingency of 15% would account for unforeseen conditions that might arise in construction;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The City Council hereby authorizes the Director of Public Works to:

- (1) Award and execute a contract for the construction of 9813 - San José Municipal Water New Offices Project to the lowest responsive, responsible bidder in an amount not to exceed \$38,214,500;
- (2) Decide any timely bid protest(s) and make the City's final determination as to the lowest responsive bidder that is responsible as needed to award the contract; and

- (3) Approve a contingency of up to 15% of the amount of the construction contract for the project.

ADOPTED this _____ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk