

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING THE PROJECT PLANS AND SPECIFICATIONS; AWARDING THE CONSTRUCTION CONTRACT TO THE LOWEST RESPONSIBLE BIDDER SUBMITTING A RESPONSIVE BID, MCGUIRE AND HESTER, IN THE AMOUNT OF \$6,303,700 FOR THE MCCANDLESS PARK, PROJECT NO. 2005, 5102, 7076; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONSTRUCTION CONTRACT WITH MCGUIRE AND HESTER; AUTHORIZING THE ENGINEERING DIRECTOR/CITY ENGINEER TO NEGOTIATE AND EXECUTE CONTRACT CHANGE ORDER(S) IN AN AGGREGATE AMOUNT NOT TO EXCEED \$945,000 FOR THE PROJECT; AND APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 3 TO THE DESIGN SERVICES AGREEMENT WITH IBI GROUP ARCHITECTURE PLANNING FOR CONSTRUCTION SUPPORT SERVICES

WHEREAS, the McCandless Park, City Project Nos. 2005, 5102, 7076 ("Project"), is in the approved 2020-2025 Capital Improvement Program; and

WHEREAS, the Project provides construction of a new 5-acre City park, including play areas for children, sports field, community garden, butterfly garden, picnic areas, dog play areas, pathways, and restrooms facilities; and

WHEREAS, the Project was advertised for bid on digital construction trade publications on March 5, 2021, and in the Milpitas Post on March 5 and March 12, 2021, in accordance with the bidding requirements under the Uniform Public Construction Cost Accounting Act; and

WHEREAS, the Engineer's Estimate for the Project base bid items is \$7,159,655; and

WHEREAS, on March 23, 2021, four sealed bid proposals were received. The base bid pricing ranged from \$6,303,700 to \$7,898,200, which is below and above Engineer's Estimate; and

WHEREAS, the lowest responsible bidder submitting a responsive bid is McGuire and Hester, in the base bid amount of \$6,303,700; and

WHEREAS, no bid protest was filed with the City within five (5) days of the bid opening as set forth in the Project specifications; and

WHEREAS, sufficient funds are available in the Project budget to award the base bid items under McGuire and Hester's bid in the amounts of \$6,303,700; and

WHEREAS, staff recommends the City Council award a construction contract to McGuire and Hester, the lowest responsible bidder submitting a responsive bid for the Project, and authorize the City Manager to execute a contract in the amount of \$6,303,700 in accordance with State law; and

WHEREAS, 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 \$945,000; fifteen percent (15%) of the total contract value, due to the Project's tight completion schedule and staff's capability to respond swiftly to unanticipated construction conditions to limit potential claims or risk to the City; and

WHEREAS, staff recommends the City Council approve and authorize the City Manager to execute Amendment No. 3 to the Design Services Agreement with IBI Group Architecture Planning to increase compensation by \$120,000 for construction support services on the Project.

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 approves the Project Plans and Specifications.
3. The City Council hereby awards the construction contract to and authorizes the City Manager to execute the contract and related documents with the lowest responsible bidder submitting a responsive bid, McGuire and Hester, in the amount of \$6,303,700 for the Project.
4. The Director of Engineering/City Engineer is hereby authorized to negotiate and execute contract change order(s) in an aggregate amount not to exceed \$945,000 for the Project.
5. The City Council approves and authorize the City Manager to execute Amendment No. 3 to the Design Services Agreement with IBI Group Architecture Planning to increase compensation by \$120,000 for construction support services on the Project.

PASSED AND ADOPTED this _____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Wendy Wood, City Clerk

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney