

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING THE PROJECT PLANS AND SPECIFICATIONS, AWARDED A CONSTRUCTION CONTRACT TO AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT WITH THE LOWEST RESPONSIBLE BIDDER SUBMITTING A RESPONSIVE BID, GIZMO ART PRODUCTIONS, INC., IN THE AMOUNT OF \$792,573 FOR THE ALVISO ADOBE RENOVATION (PHASE V – EXHIBITS), PROJECT NO. 5055; AUTHORIZING THE ENGINEERING DIRECTOR/CITY ENGINEER TO NEGOTIATE AND EXECUTE CONTRACT CHANGE ORDER(S) IN AN AGGREGATE AMOUNT NOT TO EXCEED \$198,000 FOR THE PROJECT; AND APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 4 TO THE CONSULTING SERVICES AGREEMENT WITH PAGE & TURNBULL, INC., FOR CONSTRUCTION SUPPORT SERVICES**

**WHEREAS**, Project No. 5055, Alviso Adobe Renovation - Phase V, Exhibits (“Project”) is in the approved 2020-2025 Capital Improvement Program; and

**WHEREAS**, the Project was advertised for bid on digital construction trade publications on February 5, 2021, in the Milpitas Post on February 5 and February 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 is \$727,247; and

**WHEREAS**, on March 17, 2021, three sealed bid proposals were received. The base bid varies between pricing from \$689,595 to \$792,573, which is below and above Engineer’s Estimate; and

**WHEREAS**, Castillo Plumbing and Pacific Studios bid proposals were deemed non-responsive because the bids did not meet requirements set forth in the Project bid documents; and

**WHEREAS**, the lowest responsible bidder submitting a responsive bid is Gizmo Art Productions, Inc., with a total bid amount of \$792,573; 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 a construction contract in the amount of \$792,573; and

**WHEREAS**, staff recommends the City Council award a construction contract to Gizmo Art Productions, Inc., the lowest responsible bidder submitting a responsive bid for the Project, and authorize the City Manager to execute a contract in the amount of \$792,573 in accordance with state law; and

**WHEREAS**, staff recommends the City Council authorize the Engineering Director/City Engineer to negotiate and execute change order(s) in an amount not to exceed \$198,000, twenty-five percent (25%) 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.

**WHEREAS**, staff recommends the City Council approve and authorize the City Manager to execute Amendment No. 4 to the Consulting Services Agreement with Page & Turnbull, Inc. to increase compensation by \$10,000 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, Gizmo Art Productions, Inc., in the amount of \$792,573 for the Project.
4. The Engineering Director/City Engineer is hereby authorized to negotiate and execute contract change order(s) in an aggregate amount not to exceed \$198,000 for the Project.
5. The City Council approves and authorizes the City Manager to execute Amendment No. 4 to the Consulting Services Agreement with Page & Turnbull, Inc. to increase compensation by \$10,000 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