

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING THE PROJECT PLANS AND SPECIFICATIONS, REJECTING A BID PROTEST FROM PACIFIC ELECTRIC CONTRACTING, INC., AWARDING A CONSTRUCTION CONTRACT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT WITH THE LOWEST RESPONSIBLE BIDDER SUBMITTING A RESPONSIVE BID, BEAR ELECTRICAL SOLUTIONS, INC. , IN THE AMOUNT OF \$418,150 FOR THE ENHANCED CROSSWALK STRIPING & BEACONS / RADAR SPEED FEEDBACK SIGNAGE, CITY PROJECT NOS. 3454 / 3458, AND AUTHORIZING THE ENGINEERING DIRECTOR/CITY ENGINEER TO NEGOTIATE AND EXECUTE CONTRACT CHANGE ORDER(S) IN AN AGGREGATE AMOUNT NOT TO EXCEED \$63,000 FOR THE PROJECT

WHEREAS, the Enhanced Crosswalk Striping & Beacons / Radar Speed Feedback Signage, City Project Nos. 3454 / 3458 (the “Project”), provides construction of traffic calming measures in the form of rectangular rapid flashing beacon systems and/or radar speed feedback signs on new and existing poles at the following locations:

Rectangular Rapid Flashing Beacons

Arizona Ave near Rose Drive (Alternate Bid Item)
Dixon Road at Conway Street (Alternate Bid Item)
Fanyon Street near Kennedy Drive
Kennedy Drive at Simas Drive
N. Abbott Ave near Hall Memorial Park
Roswell Drive at Ashland Drive (Alternate Bid Item)
Washington Drive at Escuela Parkway
Yosemite Drive near Carnegie Drive

Radar Speed Feedback Signs

Dixon Road near Conway Street
N. Abbott Ave near Hall Memorial Park
S. Main Street near S. Abel Street
Temple Drive near Wylie Drive
Yosemite Drive near Merryhill School
Washington Drive near Marshall Pomeroy School

WHEREAS, the Engineer’s Estimate for the Project Base Bid items and Alternate Bid items is \$640,000 and \$204,000, respectively; and

WHEREAS, the Project specifications require the determination of the lowest bid to be solely based on the Base Bid amount; and

WHEREAS, the Project was bid in accordance with the bidding requirements under the Uniform Public Construction Cost Accounting Act; and

WHEREAS, on September 11, 2020, seven sealed bid proposals were received. The base bid pricing ranged from \$332,200 to \$558,950; and

WHEREAS, one bid protest from Pacific Electric Contracting, Inc., was filed with the City within five (5) days of the bid opening as set forth in the Project specifications; and

WHEREAS, the bid protest from Pacific Electric Contracting, Inc., was deemed meritless and notice of intent to reject the bid protest was delivered to Pacific Electric Contracting, Inc. (“Notice”); and

WHEREAS, the lowest responsible bidder submitting a responsive bid is Bear Electrical Solutions, Inc., in the base bid amount of \$332,200; and

WHEREAS, sufficient funds are available in the Project budget to award the Base Bid items and Alternate Bid items under Bear Electrical Solutions, Inc.’s bid in the amounts of \$332,200 and \$85,950, respectively; and

WHEREAS, staff recommends the City Council approve the Project plans and specifications; and

WHEREAS, staff recommends the City Council reject the bid protest from Pacific Electric Contracting, Inc., as meritless for the reasons specified in the Notice and award a construction contract for the Base Bid and all Alternate Bid items to Bear Electrical Solutions, Inc., the lowest responsible bidder submitting a responsive bid, and authorize the City Manager to execute a contract in the total amount of \$418,150 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 \$63,000; 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.

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 rejects the bid protest from Pacific Electric Contracting, Inc., as meritless for the reasons specified in the Notice.
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, Bear Electrical Solutions, Inc., for the Base Bid and all Alternate Bid items in the total bid amount of \$418,150 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 \$63,000 for the Project.

PASSED AND ADOPTED this _____ day of _____, 2020, 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