

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING THE PROJECT PLANS AND SPECIFICATIONS, AWARDING A CONSTRUCTION CONTRACT TO AND AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE THE CONTRACT WITH THE LOWEST RESPONSIBLE BIDDER SUBMITTING A RESPONSIVE BID, CRW INDUSTRIES, INC., IN THE AMOUNT OF \$523,900 FOR THE ALVISO ADOBE RENOVATION (PHASE V – INTERIOR RENOVATION), PROJECT NO. 5055, AND AUTHORIZING THE ENGINEERING DIRECTOR/CITY ENGINEER TO NEGOTIATE AND EXECUTE CONTRACT CHANGE ORDER(S) IN AN AGGREGATE AMOUNT NOT TO EXCEED \$160,000 FOR THE PROJECT**

**WHEREAS**, the Alviso Adobe Renovation, Phase V, Project No. 5055 (“Project”) provides for the restoration of the interior first floor; and

**WHEREAS**, the Project was advertised for bid in the Milpitas Post on April 26 and May 3, 2019, with a base bid and one add alternate bid item for removal and replacement of resin pavement; and

**WHEREAS**, the Engineer’s Estimate for the base bid plus the add alternate bid item for the Project is \$365,000; and

**WHEREAS**, the bid opening on August 1, 2019, resulted in the City receiving two sealed bid proposals, which ranged in base bid pricing from \$465,000 to \$632,000; and

**WHEREAS**, the lowest responsible bidder submitting a responsive bid is CRW Industries, Inc., with a total base bid amount of \$465,000; 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**, staff recommends the City Council award a construction contract to CRW Industries, Inc., the lowest responsible bidder submitting a responsive bid for the Project, and authorize the Interim City Manager to execute a contract for the Base Bid and Alternate Bid item in the amount of \$523,900 in accordance with State law; and

**WHEREAS**, sufficient funds are available in the Project budget to award a construction contract in the amount of \$523,900; 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 \$160,000, 30% percent 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 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, CRW Industries, Inc., in the amount of \$523,900 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 \$160,000 for the Project.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019 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