RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO AWARD A CONSTRUCTION CONTRACT FOR THE MISE PARK SPORTS FIELD RENOVATION PROJECT TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER IN AN AMOUNT NOT TO EXCEED $2,915,000

WHEREAS, the City of San José (“City”) desires to construct the Mise Park Sports Field Renovation Project (“Project”), which consists of the renovation and expansion of the sports field by replacing the existing field with an artificial turf softball field with a regulation size soccer field overlay, replacing the existing field lights with energy efficient fixtures, adding parking for 30 additional vehicles, and installing new fencing around the site, along with irrigation, landscaping and other miscellaneous site furnishings, including an add alternate to expand the sports field; and

WHEREAS, on May 22, 2012, the City Council authorized the City Manager to negotiate and execute an agreement with the Roman Catholic Welfare Association of San José, Inc. (Archbishop Mitty High School) for the funding, renovation, operation, maintenance, and joint use of Mise Park, under which Archbishop Mitty High School will contribute up to $375,000 for the Project; and

WHEREAS, the City desires to award a construction contract for the Project as soon as reasonable after execution of the agreement with Archbishop Mitty High School and the financial contribution of the $375,000 so that the field can be ready for use in the spring and summer 2013 seasons; and

WHEREAS, the City desires to authorize the Director of Public Works to award the contract for construction of the Project to the lowest responsive and responsible bidder in a total amount not to exceed $2,915,000; and
WHEREAS, the contingency for the Project will be the standard five percent (5%) of the contract award amount;

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

1. The Director of Public Works is hereby authorized to take the following actions regarding bids with respect to the Project:
   
a. Decide any timely bid protests, including any issues of bidder responsiveness or responsibility; and

b. Make the City’s final determination as to the lowest responsive and responsible bidder; and

c. Decide whether to award any bid alternate; and

d. Award a contract for the construction of the Project to the lowest responsive and responsible bidder in an amount not to exceed $2,915,000, contingent upon approval and execution of the Agreement with Archbishop Mitty High School for the Renovation, Operation, Maintenance, and Joint Use of John Mise Park, and the financial contribution of up to $375,000; or

2. The Director of Public Works is authorized to reject all bids for any reason, and in the Director’s discretion, rebid the Project.
3. A contingency equal to five percent (5%) of the amount of the construction contract for the Project, if one is awarded by the Director of Public Works, is hereby approved.

ADOPTED this _____ day of ____________, 2012, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

DENNIS D. HAWKINS, CMC
City Clerk