RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE (1) FINDING THAT THE AWARD OF A CONTRACT FOR THE RESTORATION OF SAN JOSE FIRE STATION NO. 5 IS OF URGENT NECESSITY PURSUANT TO CHARTER SECTION 1217(e)(5); (2) FINDING THAT FORMAL BIDDING REQUIREMENTS ARE INAPPLICABLE TO THE AWARD OF THE PUBLIC WORKS CONTRACT; AND (3) AWARDING A CONTRACT FOR THE RESTORATION OF SAN JOSE FIRE STATION NO. 5 TO FEHL CONSTRUCTION, INC. IN THE AMOUNT OF $800,000 PLUS $100,000 CONTINGENCY

WHEREAS, Fire Station No. 5, located at 1308 North 10th Street (“Station”), responds to more than 2,100 calls annually and serves as first responder to the terminals at San José International Airport; and

WHEREAS, the location of the Station is essential in order to protect the public because of its critical role at the Airport as a first responder, and secondary response or support roles elsewhere, including the Downtown area; and

WHEREAS, on August 1, 2012, while corrective maintenance efforts to paint and conduct stucco repairs were in progress at the Station, mold was found in the exterior walls, which mold was subsequently tested and determined to be of four types, and was also detected to be present in tests of air at the Station; and

WHEREAS, remediation work was performed at the Station, which required extensive demolition as the majority of the mold was located in the wall cavities; and

WHEREAS, Station 5 personnel have vacated the premises and are located temporarily at Fire Station No. 34, approximately 2.5 miles east of Station 5 and an estimated 8-10 minutes of normal travel time from the Station; and
WHEREAS, the City of San José ("City") is currently pursuing the temporary lease of a facility to relocate Station personnel while repairs to the Station are being completed to shorten the emergency response time for North San José, but negotiations are not final and the facility does not have the characteristics of a standard fire station; and

WHEREAS, the City desires to award a contract to restore the portions of the Station that were demolished during remediation, which contract includes replacement of exterior sheathing and stucco and interior work including the replacement of drywall, upgrades of bathroom finishes, renovation of the kitchen, painting, and replacement of windows and doors ("Project"); and

WHEREAS, this Council finds that increased response times caused by the vacation of the Station and the relocation of personnel increase the risk to life and health; and

WHEREAS, this Council finds that the failure to expedite the contract award could add an additional four to five months to the Project timeline, jeopardizes the remediation work that has already been completed, and is necessary for the preservation of property; and

WHEREAS, Section 1217(e)(5) of the City Charter and Section 14.04.050 of the San José Municipal Code exempt the City from the bidding requirements set forth in those sections for the award of a public works contract under conditions of urgent necessity for the preservation of life, health and property upon the affirmative vote of at least eight (8) Council members;

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:
1. This Council deems that the award of contract to Fehl Construction, Inc. for the Project and the expenditure of funds therefore is of urgent necessity for the preservation of life, health, and property.

2. The formal bidding requirements of the City Charter are inapplicable to the award of this Major Emergency Public Works Project Contract to Fehl Construction, Inc., as authorized by Section 1217(e)(5) of the Charter and Section 14.04.050 of the San José Municipal Code.

3. The award of contract to Fehl Construction, Inc. for completion of the Project in an amount not to exceed $800,000 and a contingency amount of $100,000 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