

RESOLUTION NO. 73090

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE FINDING THAT THE COST OF THE PROPOSED DESIGN-BUILD CONTRACT FOR THE TERMINAL AREA IMPROVEMENT PROGRAM IS LIKELY TO EXCEED \$5,000,000 AND THAT THE DESIGN-BUILD PROCUREMENT PROCESS IS LIKELY TO SAVE MONEY OR RESULT IN FASTER PROJECT COMPLETION AND AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO ISSUE ADDENDA DURING THE REQUEST FOR PROPOSALS PROCESS

WHEREAS, On December 14, 2004, the City Council (“Council”) adopted an ordinance, referred to as the “Design-Build Ordinance,” specifying the requirements for awarding contracts for the design and construction of public works pursuant to the City Charter provision exempting “design-build” contracts from competitive bidding; and

WHEREAS, the Design-Build Ordinance requires that, prior to the issuance of a request for proposals (“RFP”) for a design-build contract, Council make findings that the cost of the proposed design-build contract is likely to exceed \$5,000,000, and that the design-build procurement process is likely to save money or result in faster project completion than if the City used a procurement process involving its normal competitive bidding procedures; and

WHEREAS, in the course of the RFP process, it may be necessary to make revisions to the RFP that are consistent with the scope and selection criteria as approved by Council;

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

SECTION 1. FINDINGS

- A. The design-build contract will include approximately \$320,000,000 in design and construction work, with the option to include up to an additional \$400,000,000 in construction or project management work to effectively coordinate the entire Airport Terminal Area Improvement Program.

- B. The Terminal Area Improvement Program can be delivered in approximately 52 months using a design-build procurement process. The project would require approximately 60 months using the City's normal competitive bidding procedures, which are also referred to as "design-bid-build." Therefore using a design-build procurement process to deliver the Terminal Area Improvement Program could save a total of 8 months.

SECTION 2. DETERMINATION

The cost of the proposed design-build contract for the Terminal Area Improvement Program is likely to exceed \$5,000,000, and the design-build procurement process is likely to result in faster project completion than if the City used a procurement process involving its normal competitive bidding process.

SECTION 3. ISSUANCE OF ADDENDA TO REQUEST FOR PROPOSALS

The Director of Public Works is authorized to issue addenda during the Request for Proposals process to make revisions to the Request for Proposals that are consistent with the scope and selection criteria as approved by Council.

ADOPTED this 21st day of March, 2006, by the following vote:

AYES: CHAVEZ, CHIRCO, CORTESE, LeZOTTE, NGUYEN,
PYLE, REED, WILLIAMS, YEAGER; GONZALES

NOES: NONE

ABSENT: CAMPOS

DISQUALIFIED: NONE

RON GONZALES
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk