

RESOLUTION NO. 73108

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AMENDMENT TO THE DESIGN-BUILD AGREEMENT WITH HENSEL PHELPS CONSTRUCTION CO. FOR THE CENTRAL SERVICE YARD PHASE II PROJECT, TO EXPEND UP TO \$757,408 OF A \$1,000,000 ALLOWANCE FOR A 100% EMERGENCY POWER GENERATOR**

**WHEREAS**, on November 15, 2005, the City Council of the City of San José (“City”) authorized the City Manager to award of a design-build contract for the Central Service Yard Phase II Project (“Project”); and

**WHEREAS**, based on staff’s recommendation, the City Council did not authorize the City Manager to award an add alternate for a 100% emergency generator; and

**WHEREAS**, on December 5, 2005, the City Manager awarded the design-build contract to Hensel Phelps Construction Co. in the amount of \$24,419,000, including a \$1,000,000 allowance for changes in the scope of the project not originally identified in the base contract; and

**WHEREAS**, the City desires to use a portion of the \$1,000,000 allowance to now add the design and construction of a 100% emergency generator to the Project so that services can be maintained during an emergency; and

**WHEREAS**, the City desires to negotiate and execute an amendment to the design-build agreement with Hensel Phelps Construction Co. to expend up to \$757,408 of the allowance for the emergency generator;

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

The City Manager is hereby authorized to negotiate and execute an amendment to the design-build agreement with Hensel Phelps Construction Co. for the Central Service Yard Phase II Project to expend up to \$757,408 of the allowance for the design and construction of a 100% emergency power generator.

ADOPTED this 21<sup>st</sup> day of March, 2006, by the following vote:

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

NOES: NONE

ABSENT: NONE

DISQUALIFIED: NONE

---

RON GONZALES  
Mayor

ATTEST:

---

LEE PRICE, MMC  
City Clerk