

RESOLUTION NO. 75176

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE THE SIXTH AMENDMENT TO THE CONSTRUCTION SERVICE AGREEMENT WITH CITY OF SANTA CLARA FOR THE SOUTH BAY WATER RECYCLING PROGRAM, REVISING THE APPROVED PROJECT LIST, INCREASING THE MAXIMUM AMOUNT PAYABLE BY THREE MILLION DOLLARS (\$3,000,000) TO A TOTAL MAXIMUM AMOUNT NOT TO EXCEED THIRTY MILLION SIX HUNDRED THOUSAND DOLLARS (\$30,600,000)

WHEREAS, on May 24, 1995 the City of San José entered into an agreement with the City of Santa Clara in the amount of \$12,600,000 for design and construction services to extend the South Bay Water Recycling system within the boundaries of Santa Clara; and

WHEREAS, the City of San José and Santa Clara subsequently executed five amendments to the original agreement increasing the total compensation to \$27,600,00, expanding the recycled water pipeline extensions to be constructed by Santa Clara, and providing funding for administration of a grant program to convert customers from existing potable water connections to the recycled water system; and

WHEREAS, the City of San José and the tributary agencies of the San José/Santa Clara Water Pollution Control Plant have authorized the expenditure of up to \$100 million for the development and implementation of South Bay Water Recycling Phase 2, of which amount approximately \$83 million in Phase 2 facility improvements was built between 1998 and 2008, leaving approximately \$17 million in Phase 2 assets still remaining to be built; and

WHEREAS, on the City of San José City desires to negotiate and execute a Sixth Amendment to the construction service agreement with City of Santa Clara for the South Bay Water Recycling Program in order to allow additional SBWR extension projects to be designed and built in Santa Clara.

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 a Sixth Amendment to the construction service agreement with City of Santa Clara for the South Bay Water Recycling Program, revising the approved project list, increasing the maximum amount payable by Three Million Dollars (\$3,000,000) to a total maximum amount not to exceed Thirty Million Six Hundred Thousand Dollars (\$30,600,000) and extending the term of the agreement by eighteen months to December 31, 2011.

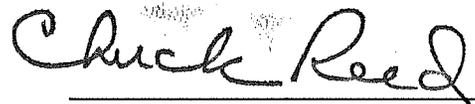
ADOPTED this 17th day of November, 2009, by the following vote:

AYES: CHIRCO, CHU, CONSTANT, HERRERA, KALRA,
LICCARDO, NGUYEN, OLIVERIO, PYLE, REED.

NOES: NONE.

ABSENT: CAMPOS.

DISQUALIFIED: NONE.



CHUCK REED
Mayor

ATTEST:



LEE PRICE, MMC
City Clerk