

**RESOLUTION NO. 75297****A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY MANAGER TO AWARD A CONTRACT FOR AWTF EARLY EARTHWORKS TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN AN AMOUNT NOT TO EXCEED \$2,000,000 INCLUDING CONTINGENCY**

**WHEREAS**, the City of San José ("City"), as administering agency for the San José/Santa Clara Water Pollution Control Plant, is working cooperatively with the Santa Clara Valley Water District to support the production and use of recycled water by constructing an Advanced Water Treatment Facility ("AWTF"); and

**WHEREAS**, the City desires to award a construction contract for preparation of the site designated for the AWTF, entitled "Contract for AWTF Early Earthworks" ("Project") on an expedited basis, to help maintain the eligibility for federal grant funding for the AWTF through the 2009 American Recovery and Reinvestment Act, and in order to allow groundbreaking for the AWTF to occur in May 2010; and

**WHEREAS**, the City desires to authorize the City Manager, or her designee, to award the contract for construction of the Project to the lowest responsive and responsible bidder and to establish a 10% contingency, in a total amount not to exceed \$2,000,000 including the contingency, and not exceeding the amount of funds appropriated for the Project; and

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

The City Manager, or her designee, is hereby authorized to take the following actions with respect to the Contract for AWTF Early Earthworks:

1. Decide any timely bid protests; and

- 2. Make the City's final determination as to the lowest responsive and responsible bidder; and
- 3. Award a contract for the construction of the Contract for AWTF Early Earthworks to the lowest responsive and responsible bidder, and establish a 10% construction contingency, provided that the amount of bid award plus contingency does not exceed \$2,000,000 and the amount of funds appropriated for the Project; or
- 4. In the alternative, reject all bids and rebid the Project.

ADOPTED this 2<sup>nd</sup> day of March, 2010, by the following vote:

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

NOES: NONE.

ABSENT: NGUYEN.

DISQUALIFIED: NONE.



CHUCK REED  
Mayor

ATTEST:



LEE PRICE, MMC  
City Clerk