

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA DELEGATING AUTHORITY TO THE CITY MANAGER OR DESIGNEE TO AWARD AND ADMINISTER THE PUBLIC WORKS CONSTRUCTION CONTRACTS FOR THE PUBLIC RIGHT-OF-WAY ADA IMPROVEMENTS - PACKAGE 1 PROJECT (CE 20-21-09 (P1)) AND THE PUBLIC RIGHT-OF-WAY ADA IMPROVEMENTS - PACKAGE 2 PROJECT (CE 20-21-09 (P2)) IN AN AGGREGATE AMOUNT NOT-TO-EXCEED \$8,000,000**

**BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:**

**WHEREAS**, the City of Santa Clara's City Council has specific purchasing policies or ordinances, and all other agreements and actions not specifically delegated by the City Code or other formal action must be considered and approved by Council;

**WHEREAS**, the authority to award public works construction contracts above one hundred thousand dollars (\$100,000) has not been delegated by Council and public works construction contracts above one hundred thousand dollars (\$100,000) shall be referred to Council for approval;

**WHEREAS**, the public works construction contracts for the Public Right-of-Way ADA Improvements - Package 1 Project (CE 20-21-09 (P1)) and the Public Right-of-Way ADA Improvements - Package 2 Project (CE 20-21-09 (P2)) ("Projects") are contemplated for bidding and award to the lowest responsive and responsible bidder(s) and will respectively be above one hundred thousand dollars (\$100,000) each;

**WHEREAS**, a settlement agreement between the plaintiffs in a class action lawsuit and the City and Stadium Authority (Nevarez v. 49ers, et al.) requires the Projects be completed by July 2022;

**WHEREAS**, the time required to evaluate bids for Projects and refer award of the construction contracts to Council, may delay the start of construction such that the Projects may not be completed by the July 2022 deadline;

**WHEREAS**, the delegation authority to award of the construction contracts for the Projects to the

City Manager or Designee will allow construction of the Projects to commence sooner.

**NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:**

1. That the City Manager or Designee is hereby authorized to make the determination of the lowest responsive and responsible bidder(s) for the Projects, respectively, in accordance with the requirements of the contract documents and contract as advertised for bid;
2. That the City Manager or Designee is hereby authorized to award the public works construction contracts for the Projects, respectively, to the lowest responsive and responsible bidder(s) in the amount of their bid(s);
3. That the City Manager or Designee is hereby authorized to reject any and all bids presented and may re-advertise in his or her discretion;
4. That the City Manager or Designee is hereby authorized to execute contract change orders of up to fifteen percent (15%) of the original contract amounts awarded for the Projects, respectively;
5. That the authorizations delegated herein are applicable in an aggregate amount not-to-exceed \$8,000,000, inclusive of the original awarded contract amounts, construction contingencies, and contract change orders;
6. That the City Manager or Designee is hereby authorized to execute any and all documents associated with, and necessary for the award, completion, and acceptance of the Projects;
7. That after the completion of construction of the Projects, within a reasonable amount of time, the City Manager shall prepare a report for Council to note and file on the contracts awarded and work performed.

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8. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE \_\_\_ DAY OF \_\_\_\_\_, 2022, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: \_\_\_\_\_  
NORA PIMENTEL, MMC  
ASSISTANT CITY CLERK  
CITY OF SANTA CLARA

Attachments incorporated by reference: None