



City of San Leandro

Meeting Date: February 16, 2016

Staff Report

File Number: 16-018

Agenda Section: CONSENT CALENDAR

Agenda Number: 8.G.

TO: City Council

FROM: Chris Zapata
City Manager

BY: Keith Cooke
Engineering & Transportation Director

FINANCE REVIEW: David Baum
Finance Director

TITLE: Staff Report for a Resolution to Award a Construction Contract to Beneman, Inc. for the Thrasher Park Play Equipment and Fence Project, Project No. 2006.0070 and Authorization for the City Manager to Negotiate and Approve Individual Change Orders up to 10% of the Original Contract Amount; and Authorization for the City Manager to Negotiate and Approve Cumulative Change Orders Up to 25% of the Original Contract Amount, and to Transfer Funds Between this Project and the Siempre Verde Park Reconstruction and to Return Funds to the General Fund Balance

SUMMARY AND RECOMMENDATIONS

The subject project will replace the park play equipment with a new play structure and will also increase the fence height along sections of the adjacent ball field perimeter.

Staff recommends awarding the construction contract to Breneman, Inc. in the amount of \$192,218.50 for the subject project; authorizing individual change orders up to 10% of the original contract (\$19,221.85), and authorizing a total change order amount up to 25% of the original contract (\$48,054.62), and

Transferring \$75,000.00 of Grant Funds to the Siempre Verde Park Reconstruction Project, and returning \$75,000.00 of General Funds from the Siempre Verde Park Reconstruction Project to the General Fund Balance

BACKGROUND

The existing play equipment at Thrasher Park is outdated and has served its useful life. This project will install a new age appropriate play structure and resilient rubber ground surfacing within the existing play area perimeter. The new equipment will be compliant with State of California safety regulations for playgrounds and will meet accessibility provisions of the Americans with Disabilities Act (ADA). Six foot tall sections of the ball field perimeter fence adjacent to the play area will be replaced with ten foot tall fence sections to improve safety by

containing foul balls traveling at less than ten feet above the ground. Also, consistent with the Citywide ADA transition plan, park furniture in the play area vicinity will be upgraded to meet ADA standards.

Analysis

Bids were opened on January 21, 2016. Nine (9) bids were received ranging from \$192,218.50 to \$293,270.00. The pre-bid engineer's estimate for construction was \$244,000.00. Breneman, Inc. was determined by staff to be the lowest responsible bidder.

None of the bidders has an office in San Leandro that would qualify it as a local business per the Local Inclusion Policy Ordinance. Despite listing the provision for Local Business Participation Goal in the Notice to Bidders, and highlighting the requirements at the pre-bid meeting, none of the bidders provided satisfactory documentation of good faith efforts towards local inclusion. However, as all bidders were equally lacking in this effort and because of time constraints with the grant funding for this project, staff recommends proceeding with awarding the contract to the lowest bidder. Staff verified that the contractor has a valid license with the Contractor's State License Board and is registered with the Department of Industrial Relations.

Contract Change Orders

As is standard in the construction industry, staff has balanced site investigation costs with the risk of finding unforeseen conditions during construction as well as the design costs with the level of detail on the plans. As a result unforeseen conditions may be encountered during construction and plan details may need to be adjusted or clarified. In order to minimize delay on the project and ensure that the scope of work is adjusted as needed to provide the highest quality project for the City, staff requests authorization to negotiate and approve individual change orders up to 10% (or \$19,221.85 each) of the original contract amount and cumulative change orders up to 25% (or \$48,054.62) of the original contract amount.

This project is presently funded by a 2014 grant from the State of California Department of Housing and Community Development (HCD) and allocations from the City's Park Development Fund. The HCD grant is only eligible for construction costs and must be used by June 30, 2016. Due to the favorable bids the entire grant isn't needed on this project and should be transferred to another project. Two other projects are eligible for the HCD grant: Siempre Verde Park Renovation and Joaquin Plaza. We recommend that the excess grant funds, \$75,000.00, be transferred to the Siempre Verde Park Renovation project and that a like amount of general funds from that project be returned to the General Fund balance.

Current Agency Policies

- 2013-15 City Council Goal: Maintain and enhance the City's infrastructure
- 2013-15 City Council Goal: Support and implement programs, activities and strengthen communication that enhances the quality of life and wellness, celebrates the arts and diversity and promotes civic pride

Previous Actions

- On March 2, 2015, by Resolution No. 2015-058, the City Council allocated funds for the design and construction of the Thrasher Park Play Structure Replacement Project
- On December 1, 2014, by Resolution No. 2014-132, the City Council authorized the City Manager to Execute a State Standard Agreement with the California Department of Housing and Community Development for a Housing-Related Parks Program Grant in the Amount of \$1,376,600
- On January 6, 2014, by Resolution No. 2014-004, the City Council authorized the City Manager to Submit an Application for Housing-Related Parks Program Grant Funds

Applicable General Plan Policies

Goal 21 - Rehabilitation of Existing Parks: Maintain and improve San Leandro's existing parks and recreational facilities

Environmental Review

This project is categorically exempt from California Environmental Quality Act (CEQA) per Section 15302(b) of the CEQA guidelines. The Notice of Exemption was filed with the Alameda County Recorder on May 29, 2015.

Permits and/or Variances Granted

A Building Permit will be procured from the City's Community Development Department for the fence installation.

Summary of Public Outreach Efforts

- The Notice to Bidders was published in the Daily Review and also in the South County Post, Visión Hispana, and the World Journal.
- Staff also notified twenty-one builders' exchanges and construction data firms as well as a list of contractors that have asked to be notified of bidding opportunities via email about the advertisement of the subject project.
- The project is described on the Engineering and Transportation Department website.
- During the design phase, the Recreation and Human Services Department held the following meetings to gather public input on Thrasher Park:
 - September 10, 2015, 6:00 PM, Recreation and Parks Commission Public Meeting, Sister Cities, San Leandro City Hall
 - September 16, 2015, 6:00 PM, Recreation and Parks Commission Public Meeting, Sister Cities, San Leandro City Hall

Fiscal Impacts

The total cost of this project including design, permits, construction, contingencies and construction management is estimated at \$255,000.

The subject contract is in the amount of \$192,218.50. If change orders are needed, the maximum authorized by this action is \$240,273.12. Change orders that increase the project cost beyond the budget authority would not be issued without Council approval of an additional appropriation.

Budget Authority

This project is currently funded as follows:

Park Development Fees (allocated in FY 2014-15)	122-62-117	\$ 65,000.00
Special Grants Fund (allocated in FY 2014-15)	150-62-117	<u>\$265,000.00</u>
Total		\$330,000.00

This action will reduce the funding for this project by moving \$75,000.00 in grant funds to the Siempre Verde Park Renovation project. The total project funding will be \$255,000.00 once this action is taken.

ATTACHMENT

- Bid Summary - Thrasher Park Play Equipment and Fence Project

PREPARED BY: John O’Driscoll, Associate Engineer, Engineering and Transportation Department



BID SUMMARY

This document is a summary of bids received for the subject project and are provided only as a convenience. Listing of a particular bid is not a finding that such bid has been found to be responsive or accepted as complete by the City. An award of contract, if any, is subject to approval of the City Council and/or the City Manager. Contractors should refer to the contract documents for bidding information.

PROJECT TITLE: Thrasher Park Play Equipment and Fence
 PROJECT NO.: 2006.0070
 BID NO.: 15-16.010

BID OPENING		ENGINEER'S ESTIMATE		Breneman Inc.		Redwood Engineering Construction		Guerra Construction Group		
DATE: Thursday, January 20, 2016		Date Approved: 12/22/2015		2000 Norris Road		2336 El Camino Real		984 Memorex Drive		
TIME: 3:00 p.m.		Prepared by: J. O'Driscoll		Walnut Creek, CA 94596		Redwood City, CA 94063		Santa Clara, CA 95050		
LOCATION: City Clerk's Office				Phone: (925) 457-2026		Phone: (925) 819-2960		Phone: (408) 279-2027		
				Fax: (925) 446-6600		Fax: (650) 368-9915		Fax: (408) 279-2044		
ITEM NO.	ITEM	QUANTITY	UNIT COST	ITEM COST	UNIT COST	ITEM COST	UNIT COST	ITEM COST	UNIT COST	ITEM COST
1	Mobilization	1 LS	\$20,000.00	\$20,000.00	\$10,000.00	\$10,000.00	\$8,100.00	\$8,100.00	\$9,000.00	\$9,000.00
2	Clearing and Grubbing per section 300-1	1 LS	\$40,000.00	\$40,000.00	\$10,000.00	\$10,000.00	\$20,400.00	\$20,400.00	\$47,800.00	\$47,800.00
3	Play Area CAB per section 301-2	73 CY	\$15.00	\$1,095.00	\$80.00	\$5,840.00	\$108.00	\$7,884.00	\$100.00	\$7,300.00
4	Play Area Drain System Per section 306-1	1 LS	\$2,500.00	\$2,500.00	\$3,000.00	\$3,000.00	\$3,200.00	\$3,200.00	\$4,000.00	\$4,000.00
5	Chain Link Fence 10' High per section 304-3 (Final Quantity)	130 LF	\$160.00	\$20,800.00	\$71.00	\$9,230.00	\$78.00	\$10,140.00	\$70.00	\$9,100.00
6	Chain Link Fence 20' High per section 304-3 (Final Quantity)	60 LF	\$250.00	\$15,000.00	\$211.00	\$12,660.00	\$234.00	\$14,040.00	\$205.00	\$12,300.00
7	Furnish and Install Play Equipment per section 316-1	1 LS	\$75,950.00	\$75,950.00	\$71,328.00	\$71,328.00	\$74,000.00	\$74,000.00	\$72,000.00	\$72,000.00
8	Resilient Surfacing per section 316-2 (Final Quantity)	1,963 SF	\$22.00	\$43,186.00	\$18.50	\$36,315.50	\$20.00	\$39,260.00	\$17.00	\$33,371.00
9	Concrete Walks per section 303-5	563 SF	\$18.00	\$10,134.00	\$15.00	\$8,445.00	\$19.00	\$10,697.00	\$10.00	\$5,630.00
10	Play Area Concrete edge per section 303-5	44 LF	\$32.00	\$1,408.00	\$100.00	\$4,400.00	\$121.00	\$5,324.00	\$40.00	\$1,760.00
11	Curb Ramp Per detail 4, sheet 4	1 LS	\$6,000.00	\$6,000.00	\$6,500.00	\$6,500.00	\$2,800.00	\$2,800.00	\$4,000.00	\$4,000.00
12	Picnic Table per section 316-3.2	1 EA	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$2,500.00	\$2,500.00	\$2,300.00	\$2,300.00
13	Park Bench per section 316-3.1	2 EA	\$1,800.00	\$3,600.00	\$4,500.00	\$9,000.00	\$2,600.00	\$5,200.00	\$2,500.00	\$5,000.00



BID SUMMARY

This document is a summary of bids received for the subject project and are provided only as a convenience. Listing of a particular bid is not a finding that such bid has been found to be responsive or accepted as complete by the City. An award of contract, if any, is subject to approval of the City Council and/or the City Manager. Contractors should refer to the contract documents for bidding information.

PROJECT TITLE: Thrasher Park Play Equipment and Fence
 PROJECT NO.: 2006.0070
 BID NO.: 15-16.010

BID OPENING		ENGINEER'S ESTIMATE		Breneman Inc.		Redwood Engineering Construction		Guerra Construction Group								
DATE: Thursday, January 20, 2016 TIME: 3:00 p.m. LOCATION: City Clerk's Office		Date Approved: 12/22/2015 Prepared by: J. O'Driscoll		2000 Norris Road Walnut Creek, CA 94596 Phone: (925) 457-2026 Fax: (925) 446-6600		2336 El Camino Real Redwood City, CA 94063 Phone: (925) 819-2960 Fax: (650) 368-9915		984 Memorex Drive Santa Clara, CA 95050 Phone: (408) 279-2027 Fax: (408) 279-2044								
ITEM NO.	ITEM	QUANTITY	UNIT COST	ITEM COST	UNIT COST	ITEM COST	UNIT COST	ITEM COST	UNIT COST	ITEM COST						
14	Barbeque Grill per section 316-3.3	1 EA	\$1,000.00	\$1,000.00	\$2,500.00	\$2,500.00	\$800.00	\$800.00	\$500.00	\$500.00						
TOTAL BASE BID:				\$243,673.00	\$192,218.50				\$204,345.00				\$214,061.00			
SUBCONTRACTORS:					Ross Recreation Equipment AAA Fence Company SpectraTurf		Community Playgrounds, Inc SpectraTurf Borg Fence		Golden Bay Fence SpectraTurf Creative Builders							
SECURITIES:					10% Bid Bond		10% Bid Bond		10% Bid Bond							
NOTES:					Addendum #1 Received		Addendum #1 Received		Addendum #1 Received							

Reviewed by: JOB Date: 1/22/16
 John O'Driscoll, Project Manager
 Reviewed by: A Osakwe for Date: 1/22/16
 Aystine Osakwe, Senior Engineer

BID SUMMARY



PROJECT TITLE: Thrasher Park Play Equipment and Fence
 PROJECT NO.: 2006.0070
 BID NO.: 15-16.010

BID OPENING			ENGINEER'S ESTIMATE		Cal West Construction		Community Playgrounds, Inc.		ABG Group	
DATE: Thursday, January 20, 2016			Date Approved: 12/22/2015		11745 Bennetta Lane		200 Commercial Street		2055 Sierra Road, #59	
TIME: 3:00 p.m.			Prepared by: J. O'Driscoll		Gilroy, CA 95020		Vallejo, CA 94589		Concord, CA 94518	
LOCATION: City Clerk's Office					Phone: (408) 355-0951		Phone: (415) 892-8100		Phone: (925) 348-9292	
					Fax:		Fax: (415) 892-3132		Fax: (925) 566-6482	
ITEM NO.	ITEM	QUANTITY	UNIT COST	ITEM COST	UNIT COST	ITEM COST	UNIT COST	UNIT COST	UNIT COST	UNIT COST
1	Mobilization	1 LS	\$20,000.00	\$20,000.00	\$6,000.00	\$6,000.00	\$12,957.00	\$12,957.00	\$25,000.00	\$25,000.00
2	Clearing and Grubbing per section 300-1	1 LS	\$40,000.00	\$40,000.00	\$25,000.00	\$25,000.00	\$169.00	\$169.00	\$2,000.00	\$2,000.00
3	Play Area CAB per section 301-2	73 CY	\$15.00	\$1,095.00	\$350.00	\$25,550.00	\$295.00	\$21,535.00	\$122.88	\$8,970.24 *
4	Play Area Drain System Per section 306-1	1 LS	\$2,500.00	\$2,500.00	\$8,000.00	\$8,000.00	\$3,899.00	\$3,899.00	\$5,990.00	\$5,990.00
5	Chain Link Fence 10' High per section 304-3 (Final Quantity)	130 LF	\$160.00	\$20,800.00	\$80.00	\$10,400.00	\$173.00	\$22,490.00	\$70.00	\$9,100.00
6	Chain Link Fence 20' High per section 304-3 (Final Quantity)	60 LF	\$250.00	\$15,000.00	\$225.00	\$13,500.00	\$311.00	\$18,660.00	\$200.00	\$12,000.00
7	Furnish and Install Play Equipment per section 316-1	1 LS	\$75,950.00	\$75,950.00	\$72,650.00	\$72,650.00	\$78,538.00	\$78,538.00	\$110,000.00	\$110,000.00
8	Resilient Surfacing per section 316-2 (Final Quantity)	1,963 SF	\$22.00	\$43,186.00	\$18.00	\$35,334.00	\$20.44	\$40,123.72	\$22.00	\$43,186.00
9	Concrete Walks per section 303-5	563 SF	\$18.00	\$10,134.00	\$22.00	\$12,386.00	\$44.45	\$25,025.35	\$20.00	\$11,260.00
10	Play Area Concrete edge per section 303-5	44 LF	\$32.00	\$1,408.00	\$125.00	\$5,500.00	\$69.23	\$3,046.12	\$100.00	\$4,400.00
11	Curb Ramp Per detail 4, sheet 4	1 LS	\$6,000.00	\$6,000.00	\$6,700.00	\$6,700.00	\$6,895.00	\$6,895.00	\$3,000.00	\$3,000.00
12	Picnic Table per section 316-3.2	1 EA	\$3,000.00	\$3,000.00	\$2,250.00	\$2,250.00	\$3,229.00	\$3,229.00	\$3,000.00	\$3,000.00
13	Park Bench per section 316-3.1	2 EA	\$1,800.00	\$3,600.00	\$2,600.00	\$5,200.00	\$2,588.00	\$5,176.00	\$1,500.00	\$3,000.00

BID SUMMARY



PROJECT TITLE: Thrasher Park Play Equipment and Fence
 PROJECT NO.: 2006.0070
 BID NO.: 15-16.010

BID OPENING		ENGINEER'S ESTIMATE		Cal West Construction 11745 Bennetta Lane Gilroy, CA 95020 Phone: (408) 355-0951 Fax:	Community Playgrounds, Inc. 200 Commercial Street Vallejo, CA 94589 Phone: (415) 892-8100 Fax: (415) 892-3132	ABG Group 2055 Sierra Road, #59 Concord, CA 94518 Phone: (925) 348-9292 Fax: (925) 566-6482				
DATE: Thursday, January 20, 2016		Date Approved: 12/22/2015								
TIME: 3:00 p.m.		Prepared by: J. O'Driscoll								
LOCATION: City Clerk's Office										
ITEM NO.	ITEM	QUANTITY	UNIT COST	ITEM COST	UNIT COST	ITEM COST	UNIT COST	UNIT COST	UNIT COST	UNIT COST
14	Barbeque Grill per section 316-3.3	1 EA	\$1,000.00	\$1,000.00	\$2,750.00	\$2,750.00	\$739.00	\$739.00	\$3,000.00	\$3,000.00
TOTAL BASE BID:				\$243,673.00	\$231,220.00		\$242,482.19		\$243,906.24 *	
SUBCONTRACTORS:				Ross Recreation Equipment SpectraTurf AAA Fence	Ransome Company American Asphalt United Fence Services		Ross Recreation Equipment Creative Builders Alliance Contracting Services R.V. Stitch Construction AAA Fence Co., Inc. Luminart Concrete SpectraTurf			
SECURITIES:				10% Bid Bond	10% Bid Bond		10% Bid Bond			
NOTES:				Addendum #1 Received	Addendum #1 Received		*Math Error Corrected and/or Addendum #1 Received			

Reviewed by: JOD Date: 1/22/16
 John O'Driscoll, Project Manager

Reviewed by: A. Osakwe Date: 1/22/16
 Austine Osakwe, Senior Engineer

BID SUMMARY



PROJECT TITLE: Thrasher Park Play Equipment and Fence

PROJECT NO.: 2006.0070

BID NO.: 15-16.010

BID OPENING			ENGINEER'S ESTIMATE		McNabb Construction, Inc.		Mitchell Engineering		Mar Con Co.	
DATE: Thursday, January 20, 2016 TIME: 3:00 p.m. LOCATION: City Clerk's Office			Date Approved: 12/22/2015 Prepared by: J. O'Driscoll		3527 Mt. Diablo Blvd, #306 Lafayette, CA 94549 Phone: (925) 935-4200 Fax: (925) 403-7972		1395 Evans Avenue San Francisco, CA 94124 Phone: (415) 227-1040 Fax: (415) 227-1046		8135 Capwell Drive Oakland, CA 94621 Phone: (510) 639-1914 Fax: (510) 639-1915	
ITEM NO.	ITEM	QUANTITY	UNIT COST	ITEM COST	UNIT COST	ITEM COST	UNIT COST	ITEM COST	UNIT COST	ITEM COST
1	Mobilization	1 LS	\$20,000.00	\$20,000.00	\$21,000.00	\$21,000.00	\$7,500.00	\$7,500.00		
2	Clearing and Grubbing per section 300-1	1 LS	\$40,000.00	\$40,000.00	\$17,500.00	\$17,500.00	\$110,000.00	\$110,000.00		
3	Play Area CAB per section 301-2	73 CY	\$15.00	\$1,095.00	\$42.00	\$3,066.00	\$100.00	\$7,300.00		
4	Play Area Drain System Per section 306-1	1 LS	\$2,500.00	\$2,500.00	\$4,200.00	\$4,200.00	\$10,500.00	\$10,500.00		
5	Chain Link Fence 10' High per section 304-3 (Final Quantity)	130 LF	\$160.00	\$20,800.00	\$84.00	\$10,920.00	\$75.00	\$9,750.00		
6	Chain Link Fence 20' High per section 304-3 (Final Quantity)	60 LF	\$250.00	\$15,000.00	\$280.00	\$16,800.00	\$200.00	\$12,000.00		
7	Furnish and Install Play Equipment per section 316-1	1 LS	\$75,950.00	\$75,950.00	\$85,400.00	\$85,400.00	\$75,000.00	\$75,000.00		
8	Resilient Surfacing per section 316-2 (Final Quantity)	1,963 SF	\$22.00	\$43,186.00	\$28.00	\$54,964.00	\$20.00	\$39,260.00		
9	Concrete Walks per section 303-5	563 SF	\$18.00	\$10,134.00	\$21.00	\$11,823.00	\$16.00	\$9,008.00		
10	Play Area Concrete edge per section 303-5	44 LF	\$32.00	\$1,408.00	\$70.00	\$3,080.00	\$83.00	\$3,652.00		
11	Curb Ramp Per detail 4, sheet 4	1 LS	\$6,000.00	\$6,000.00	\$3,500.00	\$3,500.00	\$2,000.00	\$2,000.00		
12	Picnic Table per section 316-3.2	1 EA	\$3,000.00	\$3,000.00	\$3,500.00	\$3,500.00	\$2,300.00	\$2,300.00		
13	Park Bench per section 316-3.1	2 EA	\$1,800.00	\$3,600.00	\$3,500.00	\$7,000.00	\$2,000.00	\$4,000.00		

BID SUMMARY



PROJECT TITLE: Thrasher Park Play Equipment and Fence
 PROJECT NO.: 2006.0070
 BID NO.: 15-16.010

BID OPENING		ENGINEER'S ESTIMATE		McNabb Construction, Inc.	Mitchell Engineering	Mar Con Co.				
DATE: Thursday, January 20, 2016		Date Approved: 12/22/2015		3527 Mt. Diablo Blvd, #306	1395 Evans Avenue	8135 Capwell Drive				
TIME: 3:00 p.m.		Prepared by: J. O'Driscoll		Lafayette, CA 94549	San Francisco, CA 94124	Oakland, CA 94621				
LOCATION: City Clerk's Office				Phone: (925) 935-4200	Phone: (415) 227-1040	Phone: (510) 639-1914				
				Fax: (925) 403-7972	Fax: (415) 227-1046	Fax: (510) 639-1915				
ITEM NO.	ITEM	QUANTITY	UNIT COST	ITEM COST	UNIT COST	ITEM COST	UNIT COST	ITEM COST	UNIT COST	ITEM COST
14	Barbeque Grill per section 316-3.3	1 EA	\$1,000.00	\$1,000.00	\$2,100.00	\$2,100.00	\$1,000.00	\$1,000.00		
TOTAL BASE BID:				\$243,673.00		\$244,853.00		\$293,270.00		
SUBCONTRACTORS:					Golden Bay Fence Ross Recreation Robertson Industries		AAA Fence Co. Ross Recreation F Ferrando and Co. Robertson Rec. Surfaces		Golden Bay Fence SpectraTurf Ross Recreation Equip.	
SECURITIES:					10% Bid Bond		10% Bid Bond		10% Bid Bond	
NOTES:					Addendum #1 Received		Determined Non-Responsive . Addendum #1 Received		Determined Non-Responsive Addendum #1 Received	

Reviewed by: JJD Date: 1/22/16
 John O'Driscoll, Project Manager

Reviewed by: Austine Osakwe Date: 1/22/16
 Austine Osakwe, Senior Engineer



City of San Leandro

Meeting Date: February 16, 2016

Resolution - Council

File Number: 16-019 **Agenda Section:** CONSENT CALENDAR

Agenda Number:

TO: City Council

FROM: Chris Zapata
City Manager

BY: Keith Cooke
Engineering & Transportation Director

FINANCE REVIEW: David Baum
Finance Director

TITLE: RESOLUTION to Award a Construction Contract to Breneman, Inc. (Lowest Bidder) for the Thrasher Park Play Equipment and Fence Project, Project No. 2006.0070, in the Amount of \$192,218.50 from Park Development Fee and Special Grant Funds for the Installation of a New Play Structure and Fence Modifications; to Authorize the City Manager to Negotiate and Approve Individual Change Orders up to 10% of the Original Contract Amount; to Authorize the City Manager to Negotiate and Approve Cumulative Change Orders up to 25% of the Original Contract Amount; to Transfer \$75,000.00 of Grant Funds to the Siempre Verde Park Renovation Project; and to Refund \$75,000.00 of General Funds from the Siempre Verde Park Renovation Project to the General Fund Balance

WHEREAS, the City of San Leandro did, on January 21, 2016 publicly open, examine and declare all sealed proposals or bids for doing the work described in the bid documents for the subject project; and

WHEREAS, said proposals were submitted to the Engineering and Transportation Director who finds that the proposal hereinafter mentioned is the lowest responsive bid by a responsible bidder for doing said work; and

WHEREAS, the subject project is categorically exempt from the California Environmental Quality Act.

WHEREAS, change orders to clarify the work or respond to atypical existing conditions are a normal aspect of public contracting and construction; and

WHEREAS, in order to expedite the delivery of public projects on schedule and on budget, provide that subcontractors and workers are paid in a timely fashion, avoid as much as possible costly delay claims, and insure that the City completes projects and products that are to the City's highest standards, the City Council finds that providing authorization to negotiate and approve change orders is in the best interest of public health, safety and

welfare.

NOW, THEREFORE, the City Council of the City of San Leandro does RESOLVE as follows:

That said City Council hereby rejects all of said proposals or bids except that herein mentioned; hereby waives any irregularities in the proposal or bid of the lowest responsible bidder; and hereby awards the contract for doing said work to the lowest responsible bidder therefore, to wit, (Breneman, Inc.), in the amount of \$192,218.50;

That the City Manager or his designee is authorized to negotiate and approve individual change orders up to a maximum of 10% of the original contract amount, or \$19,221.85 each.

That the City Manager or his designee is authorized to negotiate and approve cumulative change orders up to a maximum of 25% of the original contract amount, or \$48,054.62; and

That \$75,000.00 of Grant Funds be transferred from the Thrasher Park Play Equipment and Fence project, account 150-62-117, to the Siempre Verde Park Renovation Project, account 150-62-116; and

That \$75,000.00 of General Funds from the Siempre Verde Park Renovation Project, account 210-62-116, be returned to the General Fund balance; and

BE IT FURTHER RESOLVED:

That if the above named contractor is unable to execute the contract, then the City Manager is authorized to award this contract to the next lowest responsible bidder, execute all documents to effect the award, and take all actions necessary to recover any bid security from the low bidder necessary to make the City whole in its acceptance of the lowest bid.