

RESOLUTION NO. 2009-147

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AUTHORIZING THE CITY MANAGER TO AWARD CONSTRUCTION CONTRACTS
FOR ALL FEDERAL ECONOMIC STIMULUS PROJECTS AND PAVEMENT
MAINTENANCE PROJECTS**

WHEREAS, the City Council of the City of Elk Grove has an approved annual budget and a five-year Capital Improvement Program (CIP); and

WHEREAS, this includes budgeted funds for the construction of various Capital Improvement Projects in the City of Elk Grove; and

WHEREAS, while all capital projects are weather dependent, there is particular urgency to construct federal economic stimulus projects and pavement maintenance projects in order to revitalize the economy and take advantage of ideal construction temperatures; and

WHEREAS, the need to designate authority to the City Manager was also necessitated by only one Council meeting in the month of August; and

WHEREAS, the City of Elk Grove currently has three federal economic stimulus funded projects which are the Annual Pavement Resurfacing Program (Capital Improvement Project ID PT0035), Intelligent Transportation Systems Program (Capital Improvement Project ID PT0084), and the I-5 / Elk Grove Boulevard Northbound On-ramp Project (Capital Improvement Project ID PT0086); and

WHEREAS, the City of Elk Grove may receive future federal economic stimulus funds in addition to those projects currently programmed in the CIP; and

WHEREAS, the City of Elk Grove also has in its CIP local, state, and/or federally funded pavement maintenance projects that exist as standalone capital projects or are programmed as part of the Annual Pavement Resurfacing Program and its related Accessibility Improvements Program; and

WHEREAS, delegating the contract award authority to the City Manager through September 23, 2009 for all federal economic stimulus projects and all pavement maintenance projects (which may be funded through local, state, and/or federal dollars) will maximize the number of construction days (with ideal temperatures) available to these projects and reduce the typical time to award a construction contract for these types of projects; and

WHEREAS, the construction contract award authority would apply specifically to existing and future federal economic stimulus projects through September 23, 2009; and

WHEREAS, the construction contract award authority would apply to all local, state, or federally funded pavement maintenance projects which include slurry seals and asphalt concrete overlay work through September 23, 2009; and

WHEREAS, currently, staff is preparing an amendment to Municipal Code Chapter 3.42 Contracts and Purchasing for consideration by the City Council on August 26, 2009 which would delegate this authority on a permanent basis.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby finds that portions of Chapter 3.42 Contracts and Purchasing of the Municipal Code are being overridden in this resolution and are therefore authorizing the City Manager to award construction contracts for all federal economic stimulus projects and all pavement maintenance projects through September 23, 2009 and to authorize the City Engineer to approve change orders up to 15% of the construction contract amount, with such award being based upon a recommendation by the Public Works Director/City Engineer which reports that all of the following conditions are met:

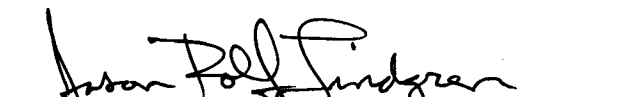
- 1) The award amount is less than 15% or \$100,000 (whichever is greater) above the engineer's estimate.
- 2) The award amount (including the authorized contingency for contract change orders) is within the City Council approved budget.
- 3) The project is in the City Council approved Capital Improvement Program.
- 4) The proposed award is to the responsible bidder submitting the lowest responsive bid.
- 5) No bid protest has been filed.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 22nd day of July 2009.



PATRICK HUME, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, ASSISTANT CITY CLERK

APPROVED AS TO FORM:



SUSAN COCHRAN, CITY ATTORNEY

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2009-147**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) **ss**
CITY OF ELK GROVE)

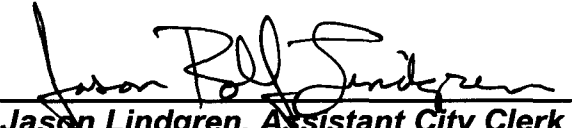
I, Jason Lindgren, Assistant City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on July 22, 2009 by the following vote:

AYES : COUNCILMEMBERS: *Hume, Scherman, Cooper, Davis, Detrick*

NOES: COUNCILMEMBERS: *None*

ABSTAIN : COUNCILMEMBERS: *None*

ABSENT: COUNCILMEMBERS: *None*



**Jason Lindgren, Assistant City Clerk
City of Elk Grove, California**