

RESOLUTION NO. 2006-25R

**A RESOLUTION DECLARING EMERGENCY
FOR PURPOSES OF AWARDING
EMERGENCY CONTRACT TO SUNROC**

WHEREAS the staff of the City of Santa Clara and its Contractor, Sunroc, have identified a previously unknown condition in Old Farm Road, consisting of an extremely substandard water line which critically needs to be replaced prior to demolition and repaving of Old Farm Road; and

WHEREAS, the City's normal state and local ordinance procurement procedure would normally require public bidding on this project; and

WHEREAS, the City Council has determined that due to exigent circumstances that an emergency award of a contract is necessary in order to protect the interests of the citizens being served by the water line and to avoid much greater cost.

NOW, THEREFORE, it is hereby resolved by the City Council of the City of Santa Clara, as follows:

1. The Mayor and other appropriate City officials are authorized to enter into the attached Contract with Sunroc (installation) and Scholzen's Products (pipes, valves, etc.) to replace the substantially substandard old water line currently located in Old Farm Road preceding to the demolition and repaving of Old Farm Road (which is previously made part of the City's streetscape project). A copy of the Contract is attached hereto as Exhibit A. The staff is further authorized to order from Scholzen's Products all necessary pipe, valves, etc. as may be required by the City's Engineer for an estimated price of \$28,000, plus applicable taxes (if any).

2. In so awarding this Contract, the City Council of the City of Santa Clara specifically finds that it is necessary to treat the award of this Contract as an emergency and to not put this work out to public bid because of the following factors:

a) When the City of Santa Clara bid this portion of the project as part of the Streetscape Project, City staff, City officials, contractors, and engineers were generally unaware of the fragile condition of the water line located in Old Farm Road. The City Council specifically finds that the line itself is of such a condition and small size that its' immediate replacement is necessary and desirable.

b) That the previously contracted demolition and repaving of Old Farm Road substantially increases the risk that the construction activity could cause numerous breaks and failures in said substandard line, and that if an emergency contract is not awarded, the cost of doing the same as a change order in the Streetscape Project would be substantially more than accepting the current emergency bids of Sunroc and Scholzen's Products.

3. The Council further finds that it would be in the best interests of the City under these emergency circumstances to have Sunroc, who is also the Contractor for the demolition and rebuilding of the road, be the same Contractor that installs the water line for the purpose of coordinating any problems that may occur in assigning responsibility in the event there are any deficiencies in the work (for example, compaction issues, etc.).

4. A failure to immediately issue the contract will result in substantial delays to the Streetscape Project which could add additional cost and delay to the Streetscape Project, which would in turn cause the citizens of the City of Santa Clara to suffer an

extension of the time that the streets involved in the Streetscape Project would necessarily be in construction.

5. For the foregoing reasons, Mayor and appropriate staff are authorized to enter into the Contract attached hereto as Exhibit A, order the pipe valving, etc. from Scholzen's Products, and to forego normal bidding processes, as an emergency contract.

DATED this 13 day of December, 2006.

Dennis Drake, Mayor

ATTEST:

Barbara Salmon, Recorder