

CITY OF SAN MATEO
RESOLUTION NO. ____ (2023)

**APPROVING AN ALTERNATIVE PURCHASING PROCEDURE TO AWARD A CONSTRUCTION CONTRACT TO
NEWTON CONSTRUCTION & MANAGEMENT, INC. FOR THE MARTIN LUTHER KING COMMUNITY CENTER
SMALL KITCHEN REMODEL**

WHEREAS, San Mateo Municipal Code Section 3.60.070(h)(3) authorizes the City Council to approve alternative purchasing procedures upon a finding that the alternative purchasing procedure is in the best interest of the City; and

WHEREAS, Sourcewell (formerly known as NJPA) has conducted competitive bidding processes to select Gordian, Inc. (Gordian) to implement Job Order Contracting on behalf of their member agencies; and

WHEREAS, the Job Order Contracting process allows for an umbrella construction contract to cover various and separate job orders during the life of the contract, and is beneficial for renovation, remodeling, or alterations where many small project tasks will arise, but the timing, type, and quantity of work are unknown; and

WHEREAS, Sourcewell and Gordian have conducted competitive bidding to select contractors to perform Job Order Contracting based on Gordian's Unit Price Book; and

WHEREAS, use of Gordian's Unit Price Book and contract provides the best price to the City and allows the City to complete required public improvements efficiently by eliminating the need to develop project specifications or solicit bids for each minor project task; and

WHEREAS, the City approved the Job Order Contracting as a competitive procurement method for construction services by resolution on March 18, 2019 upon findings that the Job Order Contracting process with Gordian is in the best interests of the City; and

WHEREAS, the Martin Luther King Community Center (King Center) Small Kitchen Remodel project is designed and documented to be priced using Gordian's Unit Price Book; and

WHEREAS, Newton Construction & Management, Inc. was selected based on their experience and availability to perform construction services using the Gordian's Unit Price Book; and

WHEREAS, based on these circumstances, staff has determined that this is the best price available because companies have submitted competitive bids.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN MATEO, CALIFORNIA, HEREBY FINDS AND RESOLVES that:

1. In accordance with CEQA Guidelines Section 15301, this project is categorically exempt from CEQA as an “existing facility” in that it consists of the repair, maintenance, or minor alteration of an existing public structure involving negligible or no expansion of existing or former use.
2. The Job Order Contracting process, as approved by City Council on March 18, 2019, utilizing Gordian’s contract and Unit Price Book to award a construction contract to Newton Construction & Management, Inc. is in the best interests of the City because it offers the best price to the City and allows the City to complete the renovation of the kitchen at the King Center efficiently by eliminating the need to develop project specifications and eliminating solicitation of bids through a project-specific competitive bidding process.
3. A construction contract is approved in the amount of \$149,127.11 to Newton Construction & Management, Inc. for the King Center Small Kitchen Remodel project.
4. The Public Works Director is authorized to execute the contract on behalf of the City and issue change orders within the contingency amount of \$25,000.