



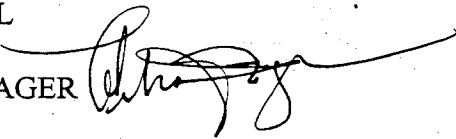
MEETING DATE: 2/17/04

ITEM NO. 8

## COUNCIL AGENDA REPORT

DATE: FEBRUARY 10, 2004

TO: MAYOR AND TOWN COUNCIL

FROM: DEBRA FIGONE, TOWN MANAGER 

SUBJECT: AWARD OF CONSTRUCTION CONTRACT FOR PROJECT 04-09B - ADA IMPROVEMENTS TO PARKING LOTS NO. 1, 2, 3, AND 6

A. ADOPT RESOLUTION DECLARING DURAN & VENABLES, INC. TO BE THE LOWEST RESPONSIBLE BIDDER ON THE PROJECT AND AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$42,750.00

B. AUTHORIZE STAFF TO ISSUE CHANGES ORDER TO THE CONSTRUCTION CONTRACT UP TO AN AMOUNT OF \$10,000

### RECOMMENDATION:

1. Adopt Resolution (Attachment 1) declaring Duran & Venables, Inc. to be the lowest responsible bidder on the project and awarding a construction contract (Exhibit A) in the amount of \$42,750.00.
2. Authorize staff to issue change orders to the construction contract up to an amount of \$10,000.

### BACKGROUND:

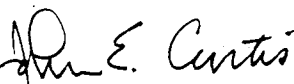
This project will fund miscellaneous improvement to Parking Lots 1, 2, 3, and 6 to bring these lot to ADA compliance. Improvements include installation of ADA wheelchair ramps, repairs to the pavement, and striping of the area around the new ramps. No parking spaces will be lost.

### DISCUSSION:

Staff prepared plans and specifications for these improvements and used the informal bidding process to solicit bids from contractors.

Sealed bids for ADA Improvements to Parking Lots No. 1, 2, 3, and 6 were received on February 6, 2004. Three (3) bids were submitted and a summary of the bids received is attached as (Attachment 2).

PREPARED BY:

  
JOHN E. CURTIS

Director of Parks and Public Works

Reviewed by: PSS Assistant Town Manager \_\_\_\_\_ Attorney \_\_\_\_\_ Clerk SC Finance  
\_\_\_\_\_ Community Development Revised: 2/10/04 10:36 am

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MAYOR AND TOWN COUNCIL

SUBJECT: AWARD OF CONSTRUCTION CONTRACT FOR PROJECT 04-09B- ADA  
IMPROVEMENTS TO PARKING LOTS NO. 1, 2, 3, AND 6

FEBRUARY 10, 2004

Staff has checked all of the bids received and has determined that Duran & Venables, Inc. is responsible and its bid is responsive. It is recommended that the Council adopt the attached Resolution declaring Duran & Venables, Inc. to be the lowest responsible bidder on the project and award a construction contract to this firm in the amount of \$42,750.00.

The ADA work on Parking Lot # 5 will not be done as part of this project since this parking lot needs to be reconstructed this summer which will include ADA improvements.

Further, it is recommended that the Council authorize staff to execute future Change Orders to the construction contract up to an amount of \$10,000. Given the variables associated with this type of construction, staff should be able to manage the construction work and the change order amount is adequate to cover the cost of unforeseen circumstances that may arise during the course of construction, and/or for additional quantities of work that may exceed those included in the awarded contract.

The construction of this project is anticipated to be completed by May 2004.

CONCLUSION:

Staff recommends that the Council accept the staff recommendations noted above.

ENVIRONMENTAL ASSESSMENT:

This project is defined under CEQA but is Categorical Exempt (Section 15301©). A Notice of Exemption will not be filed.

FISCAL IMPACT:

The estimated construction cost for this project is \$42,750, with a \$10,000 contingency. There are sufficient funds in Project 930-0336 to fund this project, per the approved FY2003-04 Capital Improvement Program as demonstrated below:

FY 2002/03		FY 2002-03	Fiscal Year	Actual	FY 2003-04
RDA Downtown Parking Management 930-0336		Adjusted	Expended/Encumbered		Available
		Budget	Or Planned To Date		Balance
FY 2002/03 Adopted Budget	\$	800,000	\$	134,724	\$ 665,276
Total RDA Downtown Parking Management 930-0336		\$ 800,000	\$	134,724	\$ 665,276
FY 2003/04					
FY 2003/04 Carry Forward		665,276		228,038	
Joseph Albanese Contingency				20,000	
Proposed Duran & Venables Contract				42,750	
Proposed Duran & Venables Contingency				10,000	
Total RDA Downtown Parking Management 930-0336	\$	665,276	\$	300,788	\$ 364,488

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MAYOR AND TOWN COUNCIL

SUBJECT: AWARD OF CONSTRUCTION CONTRACT FOR PROJECT 04-09B- ADA  
IMPROVEMENTS TO PARKING LOTS NO. 1, 2, 3, AND 6

FEBRUARY 10, 2004

Attachments:

1. Resolution (with Exhibit A) Construction Contract
2. Bid Tabulation Sheet



## **RESOLUTION**

### **RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AWARDING A CONSTRUCTION CONTRACT WITH DURAN & VENABLES INC. FOR PROJECT 04-09B ADA IMPROVEMENTS TO PARKING LOTS**

**WHEREAS**, bids were sought in conformance with State and Town law for Project No. 04-09B ADA Improvements to Parking Lots No. 1, 2, 3, and 6; and

**WHEREAS**, Duran & Venables, Inc. submitted the lowest bid which the Town Council deems to be responsive to the Town's solicitation.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Los Gatos, County of Santa Clara, State of California, that Duran & Venables, Inc.

is declared to be the lowest responsible bidder for Project No. 04-09B ADA Improvements to Parking Lots No. 1, 2, 3, and 6.

**BE IT FURTHER RESOLVED** that the Town Manager is hereby authorized and directed to execute a construction contract (Attached as Exhibit A) for said project on behalf of the Town in the amount of \$42,750.00.

**BE IT FURTHER RESOLVED**, that staff is authorized to execute future change orders, as necessary, up to an amount of \$10,000.

**PASSED AND ADOPTED** at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the    day of                      2004, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:       MAYOR OF THE TOWN OF LOS GATOS/  
LOS GATOS, CALIFORNIA

ATTEST:

CLERK OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

## CONTRACT

THIS AGREEMENT is between the **Town of Los Gatos** (hereinafter referred to as "Owner") and **Duran & Venables, Inc.** (hereinafter referred to as "Contractor"). Owner and Contractor, for the consideration hereinafter named, agree as follows:

### A. SCOPE OF WORK

Contractor shall furnish all materials and perform all of the work for the construction of **Project No. 04-09B ADA Improvements to Parking Lots No. 1, 2, 3, and 6** in accordance with the Contract Documents.

### B. CONTRACT PRICE

As full compensation for furnishing all materials and for doing all the work contemplated and embraced in this Contract, also for all loss or damage arising out of the nature of the work aforesaid, or from the actions of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work until its acceptance by Owner, and for all risks of every description connected with the Work, also for all expenses incurred by or in consequence of the suspension or discontinuance of work, and for well and faithfully completing the Work, and the whole thereof, in the manner and according to the Contract Documents, Owner shall pay Forty two thousand seven hundred fifty dollars (**\$ 42,750.00**), which shall supersede any other amount specified in the Contract Documents.

### C. CONTRACT DOCUMENTS

All rights and obligations of Owner and Contractor are fully set forth and described in the Contract Documents. All parts of the Contract Documents are intended to be correlated so that any work called for in one part and not mentioned in the other, or vice versa, is to be executed the same as if mentioned in all said documents. The Contract Documents are defined in Part I, Section 1-1.01(A) of these Specifications and are incorporated herein by reference the same as though set out in full.

### D. BEGINNING OF WORK

Following the execution of this Contract and the approval of bonds and insurance policies and certificates, Owner shall issue a *Notice to Proceed* with the Work. Commencing work or the entrance of equipment or materials on the site of the Work by Contractor before receipt of the *Notice to Proceed* is at the sole risk and expense of Contractor, and the Contractor shall be fully liable for any damage or injury sustained by Owner or third persons resulting therefrom.

### E. TIME OF COMPLETION

The Work called for herein shall be fully completed by Forty (40) working days of Contractor's receipt of the Notice to Proceed.

**F. CORRECTION OF WORK AFTER ACCEPTANCE AND FINAL PAYMENT BY TOWN**

Contractor shall remedy any defects due to faulty materials and/or workmanship and pay for any damages to other work and/or existing facilities resulting therefrom which shall appear within a period of 2 years from the date of recording of the *Notice of Completion*.

**G. LIQUIDATED DAMAGES**

The undersigned has reviewed and is thoroughly familiar with the appropriate sections of the Contract and Part I, Section 8-1.03 of these Specifications pertaining to liquidated damages.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**TOWN OF LOS GATOS, by:**

**CONTRACTOR, by:**

\_\_\_\_\_  
Debra J. Figone, Town Manager

\_\_\_\_\_  
(Signature)

**RECOMMENDED BY:**

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
John E. Curtis  
Director of Parks and Public Works

\_\_\_\_\_  
(Address)

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Orry P. Korb, Town Attorney

\_\_\_\_\_  
(City, State, Zip)

**ATTEST:**

\_\_\_\_\_  
(Contractor's License Number)

\_\_\_\_\_  
Marian V. Cosgrove, Town Clerk



**Town of Los Gatos Parks and Public Works Department**  
**Parking Lot 1, 2, 3, 5, and 6 Improvements Project #04-09B**  
**Bid Tabulation Bid opening: February 6, 2004 at 4:00 P.M. at the Parks & Public Works**

				Engineers Estimate		Duran & Venables 261 Bothelo Ave. Milpitas, CA 95035		Golden Bay Construction 582 Bragato Rd. San Carlos, CA 94070		Jos J. Albanese, Inc. 840-70 Parker St. Santa Clara, CA 95050	
Item No.	Description	Quantity	Unit	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost
BASE BID SUMMARY											
1	Parking Lot 1	1	LS	27,000.00	27,000.00	22,250.00	22,250.00	23,504.00	23,504.00	35,238.00	35,238.00
2	Parking Lot 2	1	LS	14,500.00	14,500.00	7,850.00	7,850.00	16,090.00	16,090.00	19,030.00	19,030.00
3	Parking Lot 3	1	LS	8,000.00	8,000.00	9,350.00	9,350.00	6,390.00	6,390.00	7,699.00	7,699.00
4	Parking Lot 5	1	LS	13,000.00	13,000.00	10,650.00	10,650.00	11,631.00	11,631.00	17,017.00	17,017.00
5	Parking Lot 6	1	LS	3,500.00	3,500.00	3,300.00	3,300.00	1,972.00	1,972.00	5,678.00	5,678.00
				\$66,000.00		\$53,400.00		\$59,587.00		\$84,662.00	

This certifies that all bids were by February, 2004, and that this is a copy of the bid tabulation with bids corrected for errors in addition & multiplication. By:



