



MEETING DATE: 3/1/04

ITEM NO. 6

COUNCIL AGENDA REPORT

DATE: FEBRUARY 19, 2004
TO: MAYOR AND TOWN COUNCIL
FROM: DEBRA J. FIGONE, TOWN MANAGER
SUBJECT: PROJECT 02-11 - LOS GATOS CREEK BRIDGE SEISMIC RETROFIT
RESOLUTION ACCEPTING WORK OF ANDERSON PACIFIC ENGINEERING CONSTRUCTION, INC. AND AUTHORIZING THE TOWN MANAGER TO EXECUTE CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION FOR RECORDING BY TOWN CLERK

RECOMMENDATION:

Adopt resolution accepting work of Anderson Pacific Engineering Construction, Inc. and authorizing the Town Manager to execute Certificate of Acceptance and Notice of Completion for recording by Town Clerk.

BACKGROUND:

On March 17, 2003, the Town Council approved plans and specifications for Project 02-11 - Los Gatos Creek Bridge Seismic Retrofit.

On July 7, 2003, the Town Manager during an official legislative recess, awarded the contract for this work to Anderson Pacific Engineering Construction, Inc. as the lowest responsible bidder.

On January 30, 2004 the project was substantially completed. The execution and recordation of the Certificate of Acceptance is now required to finalize the Town's acceptance of the project.

DISCUSSION:

This project funded the design and construction of improvements of two Town bridges to bring them into compliance with current State and Federal seismic safety standards. The bridges span Los Gatos Creek at Blossom Hill Road and at Lark Avenue.

PREPARED BY: JOHN E. CURTIS
Director of Parks and Public Works

Handwritten signature of John E. Curtis

Reviewed by: Assistant Town Manager Attorney Clerk Finance
Community Development Revised: 2/19/04 2:21 pm

MAYOR AND TOWN COUNCIL

SUBJECT: PROJECT 02-11 - LOS GATOS CREEK BRIDGE SEISMIC RETROFIT

FEBRUARY 19, 2004

The contracted work has been completed by Anderson Pacific Engineering Construction, Inc. and is accepted by the Parks and Public Works Department. Ten percent of the faithful performance bond will remain in effect for a period of two years to guarantee any needed repair and/or replacement caused by defective materials and workmanship. Staff recommends that the Certificate of Acceptance and Notice of Completion be executed and recorded.

ENVIRONMENTAL ASSESSMENT:

This project is Categorically Exempt pursuant to Sections 15301 (c) and 15304(b) of the State CEQA guidelines.

FISCAL IMPACT:

Project 02-11 - Los Gatos Creek Bridge Seismic Retrofit was funded under the adopted FY 2003-04 Capital Improvement Program for project 400/410-0211.

The original contract approved by Council was for \$ \$255,109.00 with a contingency budget of \$30,000. The project was completed for \$255,609.00 which is under the total project approved budget. Sufficient funds were available in project 400/410-0211 to fund this entire project.

FY2002/03	FY2002-03	Fiscal Year Actual	FY2003-04
Bridge Seismic Retrofit 410/400-0211	Adjusted Budget	Expended/Encumbered Or Planned To Date	Available Balance
FY2001/02 Adopted Budget	\$ 195,800	\$ 3,357	\$ 192,443
FY2003/04			
FY2002/03 Carry Forward	\$ 192,443	\$ 260,359	
FY2003/04 New Allocation 410	104,000		
FY2003/04 New Allocation 400	25,000	\$ 7,000	
Total Bridge Seismic Retrofit 410/400-0211	\$ 321,443	\$ 267,359	\$ 54,084

Attachments:

Resolution accepting work of Anderson Pacific Engineering Construction, Inc. (with Exhibit A) Certificate of Acceptance and Notice of Completion.

RESOLUTION

RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
ACCEPTING WORK OF ANDERSON PACIFIC ENGINEERING CONSTRUCTION, INC.
FOR PROJECT 02-11 - LOS GATOS CREEK BRIDGE SEISMIC RETROFIT AND
AUTHORIZING THE TOWN MANAGER TO EXECUTE CERTIFICATE OF ACCEPTANCE
AND NOTICE OF COMPLETION
FOR RECORDING BY TOWN CLERK

WHEREAS, on March 17, 2003, the Town Council approved plans and specifications for Project 02-11 - Los Gatos Creek Bridge Seismic Retrofit; and

WHEREAS, on July 7, 2003, the Town Manager awarded the contract for the proposed work to Anderson Pacific Engineering Construction, Inc.; and

WHEREAS, during an official legislative recess from July 7, 2003 to August 4, 2003, and pursuant to authority granted by the Town Council, the Town Manager authorized staff to issue change orders to the construction contract up to an amount of \$30,000.

WHEREAS, Anderson Pacific Engineering Construction, Inc. substantially completed the project in conformance with the plans and specifications pursuant to Council approval; and

WHEREAS, ten percent of the performance bond provided by Anderson Pacific Engineering Construction, Inc. shall remain in place for two years until March 1, 2006, to guarantee the work; and

WHEREAS, the work on Project 02-11 - Los Gatos Creek Bridge Seismic Retrofit is hereby accepted as complete pursuant to the plans and specifications for the project.

NOW THEREFORE BE IT RESOLVED, that the Town Manager is authorized and directed to execute the Certificate of Acceptance and Notice of Completion attached as (Exhibit A) hereto.

BE IT FURTHER RESOLVED, that the Town Clerk is directed to transmit this Certificate of Acceptance and Notice of Completion to the Recorder of Santa Clara County for recording.

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

PLEASE RECORD AND RETURN TO:

Town Clerk
P.O. Box 949
Los Gatos, CA 95031

CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION
PROJECT 02-11 - LOS GATOS CREEK BRIDGE SEISMIC RETROFIT

TO WHOM IT MAY CONCERN:

We do hereby certify that **Anderson Pacific Engineering Construction, Inc.** substantially completed the work on January 30, 2004 called for in the agreement with the Town of Los Gatos dated **July 30, 2003**. The work is listed in the specifications prepared by the Town of Los Gatos and generally consisted of furnishing all labor, materials, tools, equipment, and services required for completion of the Los Gatos Creek Bridge Seismic Retrofit located in the TOWN OF LOS GATOS, County of Santa Clara, State of California and was completed, approved and accepted **March 1, 2004**.

The Surety on the bond accompanying the contract/agreement is the Safeco Insurance Company of America.

Bond No.: 6230943
Date: July 10, 2003

TOWN OF LOS GATOS

By: _____
Director of Parks and Public Works

By: _____
Town Manager

I, DEBRA J. FIGONE, the Town Manager of the Town of Los Gatos, have read the foregoing CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION and know the contents thereof. The same is true of my own knowledge, except as to the matters which are therein alleged on information or belief, and as to those matters I believe it to be true.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on _____ 2004 at Los Gatos, California.

DEBRA J. FIGONE, TOWN MANAGER
Town of Los Gatos

RECOMMENDED BY:

_____ Date: _____
Director of Parks and Public Works

APPROVED AS TO FORM:

_____ Date: _____
Town Attorney

TOWN OF LOS GATOS, CALIFORNIA, ACKNOWLEDGMENT

State of California

County of Santa Clara

On _____ before me, **MARIAN V. COSGROVE, Town Clerk**, personally appeared **DEBRA J. FIGONE Town Manager**, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the within instrument the entity upon behalf of which the person acted, **The Town of Los Gatos**, executed the instrument.

WITNESS my hand and official seal.

Town Clerk of the Town of Los Gatos
Los Gatos, California

CAPACITY CLAIMED BY SIGNER:

Municipal Officer of the Town of Los Gatos

DESCRIPTION OF ATTACHED DOCUMENT:

Title of Document: Certificate of Acceptance and Notice of Completion
Project 02-11 - Los Gatos Creek Bridge Seismic Retrofit

Number of Pages: 2

Date of Document:

Signer(s) Other than Named Above: None

