



MEETING DATE: 6/7/04
ITEM NO. 12

COUNCIL AGENDA REPORT

DATE: MAY 27, 2004
TO: MAYOR AND TOWN COUNCIL
FROM: DEBRA J. FIGONE, TOWN MANAGER *[Signature]*
SUBJECT: AWARD OF CONSTRUCTION CONTRACT FOR PROJECT 04-40 - LOMA ALTA CURB, GUTTER, AND SIDEWALK CONSTRUCTION
A. ADOPT RESOLUTION DECLARING CB CONCRETE CONSTRUCTION INC. TO BE THE LOWEST RESPONSIBLE BIDDER ON THE PROJECT AND AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$29,450.00
B. AUTHORIZE STAFF TO ISSUE CHANGES ORDER TO THE CONSTRUCTION CONTRACT UP TO AN AMOUNT OF \$5,000

RECOMMENDATION:

1. Adopt Resolution (Attachment 1) declaring CB Concrete Construction, Inc. to be the lowest responsible bidder on the project and awarding a construction contract (Exhibit A) in the amount of \$29,450.00.
2. Authorize staff to issue change orders to the construction contract up to an amount of \$5,000.

BACKGROUND:

The pedestrian access issues regarding Loma Alta Avenue and Spreckles Avenue have been the topic of much discussion since last year. Currently there are no sidewalks for a section of Loma Alta Avenue near Spreckles Avenue. Residents have been using private pathways on the Eastfield Ming Quong property as their way of getting around this area. This situation has been a security and privacy concern for Eastfield Ming Quong. Town staff began dialogues with the neighborhood residents and Eastfield Ming Quong last year. After many meetings and discussions, a final resolution was reached which was agreeable to most parties involved. The proposed plan will construct new curb, gutter, and sidewalk along Loma Alta Avenue which will provide continuous sidewalks to Johnson Avenue and Spreckles Avenue.

This project is funded by contributions from Eastfield Ming Quong and a private development project (construction of curb, gutter, and sidewalk has been a condition of approval for this project) in this area, and is consistent with the Town's goals to improve public safety in neighborhoods.

PREPARED BY: *[Signature]*
JOHN E. CURTIS
Director of Parks and Public Works

Reviewed by: DSJ Assistant Town Manager AV Attorney Clerk Finance
 Community Development Revised: 6/1/04 1:06 pm

PAGE 2

MAYOR AND TOWN COUNCIL

SUBJECT: AWARD OF CONSTRUCTION CONTRACT FOR PROJECT 04-40 - LOMA
ALTA CURB, GUTTER, AND SIDEWALK CONSTRUCTION

MAY 27, 2004

Eastfield Ming Quong has been very cooperative during this entire process and has worked with the neighbors and the Town in developing a plan which is being implemented. Their financial contribution is the main source of funding for this project.

DISCUSSION:

Staff prepared plans and specifications for these improvements and used the informal bidding process (since the project will cost under \$75,000) to solicit bids from three contractors.

Bids for the Loma Alta Avenue Curb, Gutter, and Sidewalk Project were received on May 27, 2004. The following contractors submitted bids for this project:

CB Construction Company	\$ 29,450.00
Joseph J. Albanese, Inc.	\$ 30,001.00
JJR Construction, Inc.	\$ 35,000.00

Staff has checked all of the bids received and has determined that CB Concrete Construction Inc. is responsible and its bid is responsive. It is recommended that the Council adopt the attached Resolution declaring CB Concrete Construction, Inc. to be the lowest responsible bidder on the project and award a construction contract to this firm in the amount of \$29,450.00.

Further, it is recommended that the Council authorize staff to execute future Change Orders to the construction contract up to an amount of \$5,000. 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 July 2004.

CONCLUSION:

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

ENVIRONMENTAL ASSESSMENT:

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

PAGE 3

MAYOR AND TOWN COUNCIL

SUBJECT: AWARD OF CONSTRUCTION CONTRACT FOR PROJECT 04-40 - LOMA
ALTA CURB, GUTTER, AND SIDEWALK CONSTRUCTION

MAY 27, 2004

FISCAL IMPACT:

The adopted Capital Improvement Program 400-0349 contains sufficient funds for the Curb, Gutter and Sidewalk Project as displayed below:

FY2002/03	FY2002-03	Fiscal Year Actual	FY2003-04
Curb, Gutter and Sidewalk 400-0349	Adjusted	Expended/Encumbered	Available
	Budget	Or Planned To Date	Balance
FY2002/03 Adopted Budget	\$ 177,637	\$ 171,376	\$ 6,261
<hr/>			
Total Curb, Gutter and Sidewalk 400-0349			
	FY2003/04		
FY2003/04 Carry Forward	6,261		
FY2003/04 New Allocation	315,000	185,192	
JRR Contingency		50,000	
Proposed Contract		29,450	
Proposed Contingency		5,000	
Total Curb, Gutter and Sidewalk 400-0349	\$ 321,261	\$ 269,642	\$ 51,619

Eastfield Ming Quong has agreed to contribute \$35,000 towards this project, which will be credited to Capital Improvement Program 400-0349.

Attachments:

1. Resolution (with Exhibit A) Construction Contract
2. Proposed Map of Area



RESOLUTION

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
AWARDING A CONSTRUCTION CONTRACT TO
CB CONCRETE CONSTRUCTION INC.
FOR PROJECT 04-40
LOMA ALTA CURB, GUTTER, AND SIDEWALK CONSTRUCTION**

WHEREAS, bids were sought in conformance with State and Town law for Project No. 04-40 - Loma Alta Curb, Gutter, and Sidewalk Construction; and

WHEREAS, CB Concrete Construction 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 CB Concrete Construction Inc. is declared to be the lowest responsible bidder for Project No. 04-40 - Loma Alta Curb, Gutter, and Sidewalk Construction.

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 \$29,450.00.

BE IT FURTHER RESOLVED, that staff is authorized to execute future change orders, as necessary, up to an amount of \$5,000.

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 **CB Concrete Construction, 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. 04-40 - Loma Alta Curb, Gutter, and Sidewalk Construction** 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 (twenty nine thousand four hundred fifty dollars (**\$29,450**), 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 (30) 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*.

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:

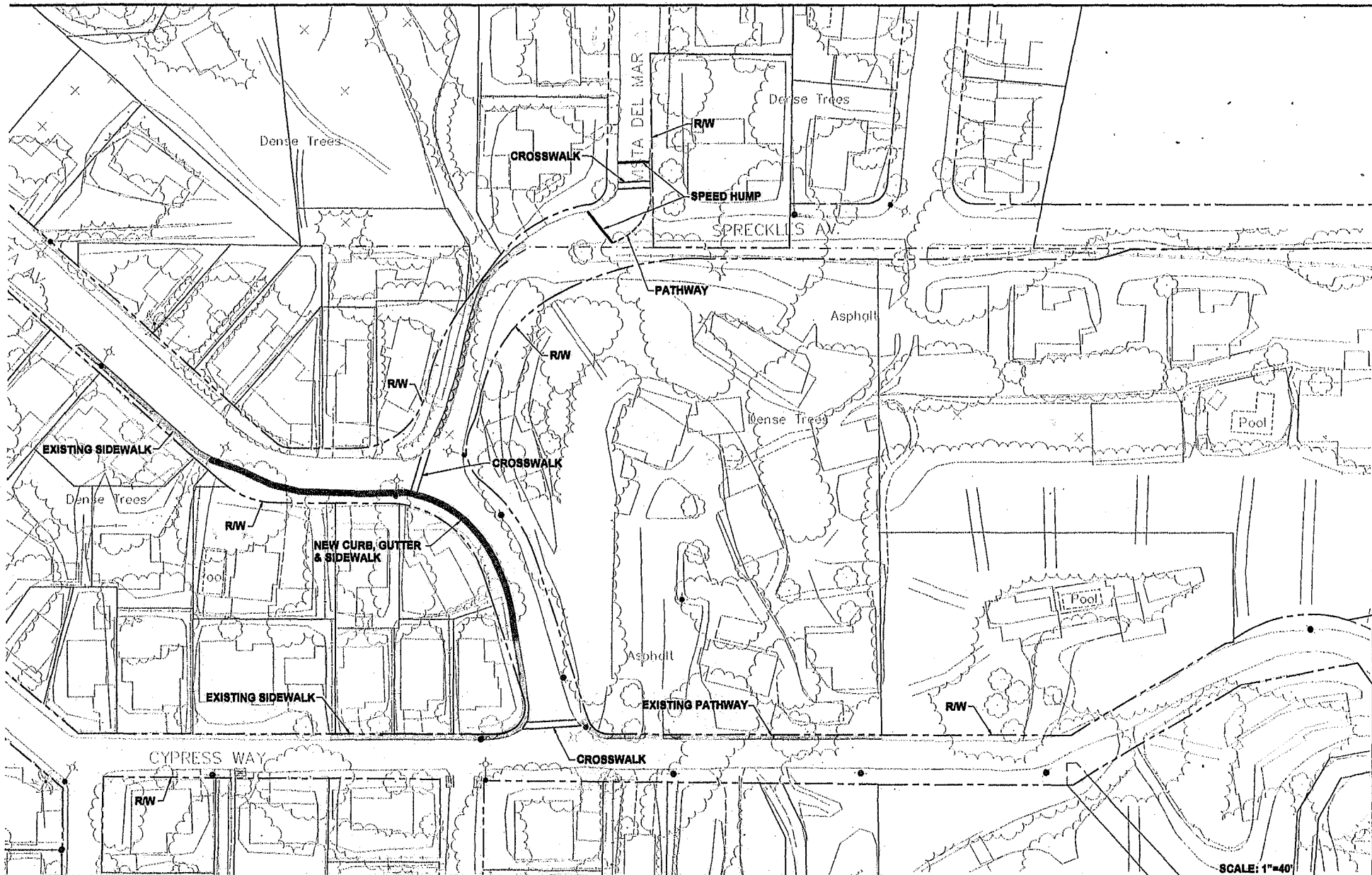
Orry P. Korb, Town Attorney

(City, State, Zip)

ATTEST:

Marian V. Cosgrove, Town Clerk

(Contractor's License Number)



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