

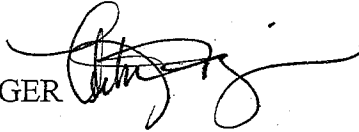


MEETING DATE: 6/7/04  
ITEM NO. 14

### COUNCIL AGENDA REPORT

DATE: MAY 14, 2004

TO: MAYOR AND TOWN COUNCIL

FROM: DEBRA J. FIGONE, TOWN MANAGER 

SUBJECT: PROJECT 03-52 - FY 2003-04 STREET REPAIR AND RESURFACING  
RESOLUTION ACCEPTING WORK OF O'GRADY PAVING, 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 O'Grady Paving, Inc. and authorizing the Town Manager to execute Certificate of Acceptance and Notice of Completion for recording by Town Clerk.

BACKGROUND:

On June 16, 2003, the Town Council adopted a Resolution approving plans and specifications for FY 2003-04 Street Repair and Resurfacing Program and authorizing staff to advertise for bids.

On July 23, 2003, the Town Manager, during an official legislative recess, awarded the contract for this work to O'Grady Paving, Inc., as the lowest responsible bidder.

On May 3, 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:

The project funded the continuation of the Town's annual Street Repair and Resurfacing Program. In Fiscal Year 2001/02 the Town Council acknowledged the importance of improving the condition of Town streets and approved a multi year street improvement program to achieve this objective.

The adopted Capital Improvement Program designates funding for the Street Repair and Resurfacing Program and is consistent with the Town's goals to improve public safety and the quality of Town streets.

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

Reviewed by: RSJ Assistant Town Manager OK Attorney      Clerk SC Finance  
     Community Development Revised: 5/14/04 9:11 am

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MAYOR AND TOWN COUNCIL

SUBJECT: PROJECT 03-52 - FY 2003-04 STREET REPAIR AND RESURFACING

MAY 14, 2004

The contracted work has been completed by O'Grady Paving, 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:

The entire project is statutorily exempt pursuant to Sections 15301 (a), 15301(f), and 15303(e) of the State CEQA Guidelines.

FISCAL IMPACT:

The original contract approved by Council was for \$1,411,444.80 with a contingency budget of \$300,000. The project was completed for \$1,678,001.72 which is under the total project approved budget. Project contingency funds were used to cover unforeseen issues that arose during the course of construction or changes that were made to the project due to actual field conditions. These included changes to the type of treatment necessary given the condition of particular roads and additions of curb and gutter required for replacement.

<b>FY 2002/03 Adopted Budget</b>	<b>FY 2002-03</b>	<b>Fiscal Year Actual</b>	<b>FY 2003-04</b>
<b>Street Repair &amp; Resurfacing 400/480-0352</b>	<b>Adjusted</b>	<b>Expended/Encumbered</b>	<b>Available</b>
	<b>Budget</b>	<b>Or Planned To Date</b>	<b>Balance</b>
<b>FY 2002/03 Adopted Budget 400-0217</b>	\$ 8,421,100	\$ 6,583,187	\$ 1,837,913
<b>FY 2002/03 Adopted Budget 480-0217</b>	840,200	840,200	0
<b>FY 2002/03 Adopted Budget 400-0106</b>	556,982	498,907	\$ 58,075
<b>Total</b>	<b>\$ 9,818,282</b>	<b>\$ 7,922,294</b>	<b>\$ 1,895,988</b>
<b>FY 2003/04</b>			
<b>FY 2003/04 Carry Forward Allocation 400-0217</b>	\$ 1,895,988	\$ 1,784,446	\$ 111,542
<b>FY 2003/04 New Allocation 400-0352</b>	148,400		148,400
<b>FY 2003/04 New Allocation 480-0352</b>	533,499	514,328	19,171
<b>Total Street Repair &amp; Resurfacing 400/480-0352</b>	<b>\$ 2,577,887</b>	<b>\$ 2,298,774</b>	<b>\$ 279,113</b>

Attachments:

Resolution accepting work of O'Grady Paving, 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 O'GRADY PAVING, INC.  
FOR PROJECT 03-52 - FY 2003-2004 STREET REPAIR AND RESURFACING AND  
AUTHORIZING THE TOWN MANAGER TO EXECUTE CERTIFICATE OF ACCEPTANCE  
AND NOTICE OF COMPLETION  
FOR RECORDING BY TOWN CLERK

**WHEREAS**, on June 16, 2003, the Town Council adopted a Resolution approving plans and specifications for FY-2003-04 Street Repair and Resurfacing Program and authorizing staff to advertise for bids.

**WHEREAS**, on July 23, 2003, the Town Manager awarded the contract for this work to O'Grady Paving, Inc., as the lowest responsible bidder; and

**WHEREAS**, during legislative recess from July 1, 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 \$300,000.

**WHEREAS**, O'Grady Paving, 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 O'Grady Paving, Inc. shall remain in place for two years until June 7, 2006, to guarantee the work; and

**WHEREAS**, the work on Project 03-52 - FY 2003-04 - Street Repair and Resurfacing 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 03-52 - FY2003-04 - STREET REPAIR AND RESURFACING**

TO WHOM IT MAY CONCERN:

We do hereby certify that **O'Grady Paving, Inc.** substantially completed the work on May 3, 2004 called for in the agreement with the Town of Los Gatos dated **August 7, 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 FY2003-04 - Street Repair and Resurfacing located in the TOWN OF LOS GATOS, County of Santa Clara, State of California and was completed, approved and accepted **June 7, 2004**.

The Surety on the bond accompanying the contract/agreement is the Travelers Casualty and Surety Company.

Bond No.: 103452029  
Date: July 30, 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:**

\_\_\_\_\_  
Director of Parks and Public Works

Date: \_\_\_\_\_

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Town Attorney

Date: \_\_\_\_\_

**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.

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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 03-52 - FY 2003-04 Street Repair and Resurfacing

**Number of Pages:** 2

**Date of Document:**

**Signer(s) Other than Named Above:** None

