



MEETING DATE: 9/7/04
ITEM NO. 10

COUNCIL AGENDA REPORT

DATE: AUGUST 17, 2004

TO: MAYOR AND TOWN COUNCIL

FROM: DEBRA J. FIGONE, TOWN MANAGER *R. Jacobs for*

SUBJECT: PROJECT 03-49 - FY 2003-04 CURB, GUTTER, AND SIDEWALK REPLACEMENT
ADOPT RESOLUTION ACCEPTING WORK OF JJR 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 JJR Construction, Inc. and authorizing the Town Manager to execute Certificate of Acceptance and Notice of Completion for recording by Town Clerk.

BACKGROUND:

On March 24, 2004, sealed bids for the FY 2003-04 Curb, Gutter, Sidewalk Replacement Project were received by the Town Clerk.

On April 5, 2004, the Town Council awarded the contract for this work to JJR Construction, Inc. as the lowest responsible bidder.

On August 9, 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 annual repair and replacement of deficient curbs, gutters, and sidewalks throughout Town. Location for repairs and replacement work were identified throughout the year by Parks and Public Works Department staff. The primary cause of damage to curbs, gutters, and sidewalks was tree root growth.

PREPARED BY:

John E. Curtis
JOHN E. CURTIS

Director of Parks and Public Works

Reviewed by: PSS Assistant Town Manager OK Attorney Clerk Finance
 Community Development

Revised: 8/17/04 10:07 am

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MAYOR AND TOWN COUNCIL

SUBJECT: PROJECT 03-49 - FY 2003-04 CURB, GUTTER, AND SIDEWALK

REPLACEMENT

AUGUST 17, 2004

Because of limited Town Capital Improvement funds, there has been discussions about instituting a Townwide policy of cost sharing for removal and replacement of concrete, curb, gutter, and sidewalks. A number of municipalities already have such policies in place, and they share the cost of curb, gutter, and sidewalk replacement with the property owners on a 50/50 basis. This concept will be discussed as part of the proposed Capital Improvement Program for FY 2004-08.

The contracted work has been completed by JJR 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 is a project as defined under CEQA but is Categorically Exempt (Section 15301©). A Notice of Exemption will not be filed.

FISCAL IMPACT:

The original contract approved by Council was for \$184,925.00. with a contingency budget of \$80,000. The project was completed for \$212,369.50, which is under the total project approved budget.

FY 2003/04	FY 2003-04	Fiscal Year Actual	FY 2003-04
Curb, Gutter and Sidewalk 400-0349	Adjusted	Expended/Encumbered	Available
	Budget	Or Planned To Date	Balance
FY 2003/04 Adopted Budget	\$ 321,261	\$ 69,985	\$ 251,276
Total Curb, Gutter and Sidewalk 400-0349			
FY 2004/05			
FY 2004/05 Carry Forward	251,276	172,101	
FY 2004/05 New Allocation	75,000		
Total Curb, Gutter and Sidewalk 400-0349	\$ 326,276	\$ 172,101	\$ 154,175

Attachments:

Resolution accepting work of JJR 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 JJR CONSTRUCTION, INC.
FOR FY 2003-04 CURB, GUTTER, AND SIDEWALK REPLACEMENT AND
AUTHORIZING THE TOWN MANAGER TO EXECUTE CERTIFICATE OF ACCEPTANCE
AND NOTICE OF COMPLETION
FOR RECORDING BY TOWN CLERK**

WHEREAS, On March 24, 2004, sealed bids for the FY 2003-04 Curb, Gutter, Sidewalk Replacement Project were received by the Town Clerk.

WHEREAS, on April 5, 2004, the Town Council awarded the contract for this work to JJR Construction, Inc., as the lowest responsible bidder; and

WHEREAS, Town Council authorized staff to issue change orders to the construction contract up to an amount of \$80,000.

WHEREAS, JJR 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 JJR Construction, Inc. shall remain in place for two years until September 7, 2006, to guarantee the work; and

WHEREAS, the work on Project 03-49 - FY 2003-04 Curb, Gutter, and Sidewalk Replacement Project 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 03-49 - FY 2003-04 CURB, GUTTER, AND SIDEWALK REPLACEMENT

TO WHOM IT MAY CONCERN:

We do hereby certify that **JJR Construction, Inc.** substantially completed the work on **August 9, 2004**, called for in the agreement with the Town of Los Gatos dated **April 28, 2004**. 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 FY 2003-04 Curb, Gutter, and Sidewalk Replacement Project located in the TOWN OF LOS GATOS, County of Santa Clara, State of California and was completed, approved and accepted **September 7, 2004**.

The Surety on the bond accompanying the contract/agreement is Great American Insurance Company.

Bond No.: 014136
Date: January 2, 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.

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 03-49 - FY 2003-04 Curb, Gutter, and Sidewalk Replacement

Number of Pages: 2

Date of Document:

Signer(s) Other than Named Above: None