



MEETING DATE: 6/6/05  
ITEM NO. 7

## COUNCIL AGENDA REPORT

DATE: MAY 18, 2005  
TO: MAYOR AND TOWN COUNCIL  
FROM: DEBRA J. FIGONE, TOWN MANAGER  
SUBJECT: AWARD OF CONSTRUCTION CONTRACT FOR PROJECT 04-61 -  
LA RINCONADA PARK TRAIL RECONSTRUCTION

- A. ADOPT RESOLUTION DECLARING JOSEPH J. ALBANESE, INC.  
TO BE THE LOWEST RESPONSIBLE BIDDER ON THE PROJECT  
AND AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT  
OF \$ 40,363.00  
B. AUTHORIZE STAFF TO ISSUE CHANGES ORDER TO THE  
CONSTRUCTION CONTRACT UP TO AN AMOUNT OF \$3,000.

### RECOMMENDATION:

1. Adopt Resolution (Attachment 1) declaring Joseph J. Albanese, Inc. to be the lowest responsible bidder on the project and awarding a construction contract (Exhibit A) in the amount of \$40,363.00.
2. Authorize staff to issue change orders to the construction contract up to an amount of \$3,000.

### BACKGROUND:

On April 4, 2005, the Town Council approved the plans and specifications for the La Rinconada Park Trail Reconstruction and authorized staff to advertise the project for bids.

The Town applied was approved for \$35,000 in grant funding from the Metropolitan Transportation Commission (MTC) for the repairs of this trail behind La Rinconada Park that was damaged a few years ago due to winter storms. This amount is supplemented by a \$10,000 source of funding from the Town's General Fund Appropriated Reserve, (GFAR) fund. The repairs include removal and clearing of debris, reinforcing the slope with rock rip rap, and providing a gravel shoulder for the trail.

PREPARED BY:

  
JOHN E. CURTIS

Director of Parks and Public Works

Reviewed by: PSJ Assistant Town Manager JV Attorney \_\_\_\_\_ Clerk Administrator \_\_\_\_\_  
Finance SC Community Development \_\_\_\_\_ Revised: 5/26/05 9:32 am

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MAY 18, 2005

DISCUSSION:

Two (2) bids for the La Rinconada Park Trail Reconstruction were received by the Town Engineer on May 11, 2005. The following contractors submitted bids for this project:

|                          |              |
|--------------------------|--------------|
| Joseph J. Albanese, Inc. | \$ 40,363.00 |
| Duran & Venables, Inc.   | \$101,470.00 |

Staff has checked all of the bids received and has determined that the bid submitted by Joseph J. Albanese, Inc. is responsive to the Town's bid request.

It is recommended that the Council adopt the attached Resolution that would declare Joseph J. Albanese, Inc. to be the lowest responsible bidder on the project and award a construction contract to this company in the amount of \$40,363.00.

Further, it is recommended that the Council authorize staff to execute future change orders to the construction contract up to an amount of \$3,000.

If the Council acts as recommended, it is possible that the contractor could begin work on the project and complete the work by July 2005.

CONCLUSION:

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

ENVIRONMENTAL ASSESSMENT:

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

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FISCAL IMPACT:

The estimated construction cost for this project is \$45,000 and is funded in Project 400/410-0561, La Rinconada Trail Reconstruction, per the approved FY2004/05 Capital Improvement Program as demonstrated below:

**La Rinconada Trail Reconstruction Proj. # 410/400-0561**

|   | FY 2004/05<br>Adjusted<br>Budget | Fiscal Year Actual<br>Expended/Encumbered<br>Or Planned To Date | FY 2004/05<br>Available<br>Balance | Funding<br>Source |
|---|----------------------------------|---|------------------------------------|-------------------|
| FY 2004/05 Adopted Budget                                   | \$ 35,000                        | -   | 35,000                             | MTC Grant         |
|   | 10,000                           |   | 10,000                             | GFAR              |
| <b>Total</b>  | <b>\$ 45,000</b>                 | <b>\$ -</b>   | <b>\$ 45,000</b>                   |                   |
| Engineering Design Costs To Date:                           |                                  | 1,334   |                                    |                   |
| Agreement Amount  |                                  | 40,363  |                                    |                   |
| Agreement Contingency Amount                                |                                  | 3,000   |                                    |                   |
| <b>Total La Rinconada Trail Reconstruction 410/400-0561</b> | <b>\$ 45,000</b>                 | <b>\$ 44,697</b>  | <b>\$ 303</b>                      |                   |

Attachments:

Resolution awarding Construction Contract (Exhibit A) to Joseph J. Albanese, Inc.

**RESOLUTION 2005**

**RESOLUTION OF THE TOWN COUNCIL  
OF THE TOWN OF LOS GATOS  
AWARDING A CONSTRUCTION CONTRACT TO  
JOSEPH J. ALBANESE, INC.  
FOR PROJECT 04-61- LA RINCONADA PARK TRAIL RECONSTRUCTION**

**WHEREAS**, bids were sought in conformance with State and Town law for Project No. 04-61- La Rinconada Park Trail Reconstruction; and

**WHEREAS**, Joseph J. Albanese, 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 Joseph. J. Albanese, Inc. is declared to be the lowest responsible bidder for Project No. 04-61 - La Rinconada Park Trail Reconstruction.

**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 \$40,363.00.

**BE IT FURTHER RESOLVED**, that staff is authorized to execute future change orders, as necessary, up to an amount of \$3,000.

**PASSED AND ADOPTED** at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the     th day of     , 2005, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

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

ATTEST:

CLERK ADMINISTRATOR OF THE LOS GATOS, CALIFORNIA  
LOS GATOS, CALIFORNIA

# CONTRACT

THIS AGREEMENT is between the **Town of Los Gatos** (hereinafter referred to as "Owner") and **Joseph J. Albanese, 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 #04-61 La Rinconada Park Trail Reconstruction** 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 thousand three hundred sixty three hundred (\$40,363.00)**, 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 within **Thirty (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*.

**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:** Joseph J. Albanese,  
Inc.

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

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

**RECOMMEND BY:**

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

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

**APPROVED AS TO FORM:**

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

**ATTEST:**

\_\_\_\_\_  
Marlyn Rasmussen, Clerk Administrator