



MEETING DATE: 8/1/05
ITEM NO. 6

COUNCIL/AGENCY AGENDA REPORT

DATE: JULY 27, 2005

TO: MAYOR AND TOWN COUNCIL/
CHAIR AND MEMBERS OF THE REDEVELOPMENT AGENCY

FROM: DEBRA J. FIGONE, TOWN MANAGER/EXECUTIVE DIRECTOR

SUBJECT: PROJECT 04-13 - SANTA CRUZ AVENUE RESURFACING
RESOLUTION ACCEPTING WORK OF DURAN & VENABLES, INC. AND
AUTHORIZING THE TOWN MANAGER TO EXECUTE CERTIFICATE OF
ACCEPTANCE AND NOTICE OF COMPLETION FOR RECORDING BY
THE CLERK ADMINISTRATOR/SECRETARY OF THE REDEVELOPMENT
AGENCY

RECOMMENDATION:

Adopt resolution accepting work of Duran and Venables, Inc. and authorizing the Town Manager/Executive Director to execute Certificate of Acceptance and Notice of Completion for recording by the Clerk Administrator/Secretary of the Redevelopment Agency.

BACKGROUND:

On May 16, 2005, Town Council awarded the contract for this work to Duran and Venables, Inc. as the lowest responsible bidder for resurfacing of Santa Cruz Avenue project.

On July 15, 2005, 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 involved removal of approximately four (4") inches of existing asphalt surfacing and replacement with four inches of new asphalt overlay. This project was anticipated to have a duration of twelve (12) days. However, due to doubling crews and equipment, it took only five (5) days to complete this project with no weekend closure of Santa Cruz Avenue. The contractor earned a bonus of \$35,000 for completing the job seven (7) days early, at \$5,000/day per the terms of their contract.

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

Reviewed by: ASD Assistant Town Manager OK Attorney _____ Clerk Administrator _____
Finance SC Community Development _____ Revised: 7/26/05 3:01 pm

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MAYOR AND TOWN COUNCIL

SUBJECT: PROJECT 04-13 - SANTA CRUZ AVENUE RESURFACING

JULY 26, 2005

Many merchants and residents have indicated their appreciation with the speed and professionalism in which the work was done, resulting in the road being opened to traffic sooner than estimated. In addition, the traffic handling plan for this project worked well with very little traffic problems. Additionally, the Town utilized a valet parking service for four (4) days at a cost of \$1,770, \$280 under the valet contract of \$2,000, providing free valet service for visitors.

The project contractor, Duran & Venables, Inc., worked very efficiently and collaboratively. Their contracted work has been completed and is accepted by the Parks and Public Works Department. Ten percent (10%) of the faithful performance bond will remain in effect for a period of two (2) 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:

Funding for this project was approved by the Town Council on May 16, 2005 in the amount of \$538,500 from account # 930-0217, with a contingency of \$70,000. The bid contract included a bonus clause if the work was completed sooner than twelve (12) days, and a penalty clause in the event the work took longer than twelve (12) days, based upon the day the road opened to traffic. The final cost to construct this project was \$507,900, approximately \$30,000 below the contractor's bid estimate. Additionally, the work was completed in five (5) days, on July 15th, and the road was reopened on Saturday, July 15th. Therefore, the contractor is eligible to receive the bonus of \$5,000 per day for seven (7) days, in the amount of \$35,000 for successfully completing the job sooner. It is therefore recommended that a bonus of \$35,000 be issued to the contractor for the early finish of the project. With the bonus, the amount payable to Duran and Venable, Inc., is \$542,900.

Attachments:

Resolution accepting work of Duran and Venables, Inc. (with Exhibit A) Certificate of Acceptance.

RESOLUTION

**RESOLUTION OF THE TOWN COUNCIL/REDEVELOPMENT AGENCY
OF THE TOWN OF LOS GATOS
ACCEPTING WORK OF DURAN AND VENABLES, INC.
FOR PROJECT 04-13 - SANTA CRUZ AVENUE RESURFACING
AND AUTHORIZING THE TOWN MANAGER/EXECUTIVE DIRECTOR
TO EXECUTE CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION
FOR RECORDING BY CLERK ADMINISTRATOR/SECRETARY
OF THE REDEVELOPMENT AGENCY**

WHEREAS, on March 21, 2005, the Town Council/Redevelopment Agency approved plans and specifications for Project 04-13 - North Santa Cruz Avenue Streetscape Improvements.

WHEREAS, on May 16, 2005, the Town Council/Redevelopment Agency awarded the contract for this work to Duran and Venables, Inc., as the lowest responsible bidder; and

WHEREAS, Town Council/Redevelopment Agency authorized staff to issue change orders to the construction contract up to an amount of \$70,000.

WHEREAS, Duran and Venables, 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 Duran and Venables, Inc. shall remain in place for two years until August 1, 2007, to guarantee the work; and

WHEREAS, the work on Project 04-13- Santa Cruz Avenue Resurfacing is hereby accepted as complete pursuant to the plans and specifications for the project.

NOW THEREFORE BE IT RESOLVED, that the Town Manager/Executive Director 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 Clerk Administrator/Secretary of the Redevelopment Agency 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/Redevelopment Agency of the Town of Los Gatos, California, held on the day of , 2005 by the following vote.

Vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR/CHAIR OF THE REDEVELOPMENT
AGENCY OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

CLERK ADMINISTRATOR/SECRETARY OF THE REDEVELOPMENT AGENCY
OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

PLEASE RECORD AND RETURN TO:

Clerk Administrator/Secretary of the Redevelopment Agency
P.O. Box 949
Los Gatos, CA 95031

CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION
PROJECT 04-13 - SANTA CRUZ AVENUE RESURFACING

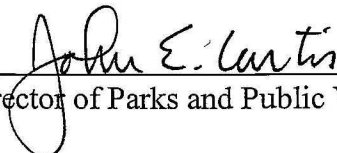
TO WHOM IT MAY CONCERN:

We do hereby certify that **Duran and Venables, Inc.** substantially completed the work on July 15, 2005 called for in the agreement with the Town of Los Gatos dated **May 17, 2005**. 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 Santa Cruz Avenue Resurfacing Project located in the TOWN OF LOS GATOS, County of Santa Clara, State of California and was completed, approved and accepted **August 1, 2005**.

The Surety on the bond accompanying the contract/agreement is the United States Fidelity and Guaranty Company.

Bond No.: TE3231
Date: May 23, 2005

TOWN OF LOS GATOS

By: 
Director of Parks and Public Works

By: _____
Town Manager/Executive Director

I, DEBRA J. FIGONE, the Town Manager/Executive Director 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 _____ 2005 at Los Gatos, California.

DEBRA J. FIGONE, TOWN MANAGER/EXECUTIVE DIRECTOR
Town of Los Gatos

RECOMMENDED BY:

Director of Parks and Public Works

Date: _____

APPROVED AS TO FORM:

Town Attorney/General Counsel

Date: _____

TOWN OF LOS GATOS, CALIFORNIA, ACKNOWLEDGMENT

State of California

County of Santa Clara

On before me, **MARLYN RASMUSSEN, Clerk Administrator/Secretary of the Redevelopment Agency**, personally appeared **DEBRA J. FIGONE, Town Manager/Executive Director**, 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.

Clerk Administrator/Secretary of the Redevelopment Agency
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 04-13 - Santa Cruz Avenue Resurfacing

Number of Pages: 2

Date of Document:

Signer(s) Other than Named Above: None