



MEETING DATE: 10/2/06
ITEM NO:

2

COUNCIL AGENDA REPORT

DATE: SEPTEMBER 19, 2006
TO: MAYOR AND TOWN COUNCIL
FROM: DEBRA J. FIGONE, TOWN MANAGER
SUBJECT: PPW JOB NO. 06-22 – CIVIC CENTER BUILDING LEAK REPAIRS AND WATERPROOFING – PROJECT 400-0703

- A. ADOPT RESOLUTION ACCEPTING WORK OF TAURUS ROOF SERVICES, INC., DBA WATERPROOFING ASSOCIATES AND AUTHORIZING THE TOWN MANAGER TO EXECUTE CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION FOR RECORDING BY THE CLERK ADMINISTRATOR
- B. AUTHORIZE BUDGET ADJUSTMENT IN THE AMOUNT OF \$3,732 TO INCREASE BUDGET FOR PROJECT 400-0703 TO \$113,732
- C. AUTHORIZE BUDGET TRANSFER OF \$3,732 FROM BUILDING MAINTENANCE FUND TO PROJECT 400-0703

RECOMMENDATION:

- 1. Adopt resolution accepting work of Taurus Roof Services, Inc., DBA Waterproofing Associates and authorizing the Town Manager to execute Certificate of Acceptance and Notice of Completion for recording by the Clerk Administrator.
- 2. Authorize budget adjustment of \$3,732 to increase budget for Project 400-0703 to \$113,732
- 3. Authorize budget transfer of \$3,732 from Building Maintenance Fund Balance to Project 400-0703

BACKGROUND:

The project involved the removal of a four inch concrete surface layer in the affected areas of the Civic Center; outside the north entrance to the Public Library, the upper deck area east of the Town Hall, and the deck at the southeast corner of the Town Hall. This project also involved demolition, removal, and replacement of the waterproof membrane, additional flashing, concrete replacement, and enlarging four deck drain surfaces adjacent to the plaza level fountain to facilitate unimpaired deck drainage.

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

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Reviewed by: PS Assistant Town Manager OK Town Attorney
 Clerk Administrator SC Finance Community Development

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MAYOR AND TOWN COUNCIL

SUBJECT: PPW JOB NO. 06-22 – CIVIC CENTER BUILDING LEAK REPAIRS AND WATERPROOFING – PROJECT 400-0703

SEPTEMBER 19, 2006

DISCUSSION:

On July 1, 2006, during legislative recess of the Council, the Town Manager awarded the contract for this work to Taurus Roof Services, Inc., DBA Waterproofing Associates, in the amount of \$108,980, as the lowest responsible bidder. The FY 2006-07 CIP project budget was approved for \$110,000.

During the course of the demolition component of the project, unforeseen concrete thickness was discovered requiring additional work outside of the original scope of work, resulting in an additional expense to the project in the amount of \$4,752 over the contract. As the budget was approved for \$110,000 and the final cost amounted to \$113,732, which exceeds the CIP budget, staff recommends increasing the project budget to \$113,732 and transferring \$3,732 from the Building Maintenance Fund to the Civic Center Building Leak Repairs Project 400-0703.

The contracted work has been completed by Taurus Roof Services, Inc., DBA Waterproofing Associates 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. The execution and recordation of the Certificate of Acceptance is now required to finalize the Town's acceptance of the project. Staff recommends that the Certificate of Acceptance and Notice of Completion be executed and recorded.

CONCLUSION:

Staff recommends that Council approve the Certificate of Acceptance and Notice of Completion for recording by the Clerk Administrator.

ENVIRONMENTAL ASSESSMENT:

This project Categorically Exempt (Section 15301(c) and (d) of the State CEQA Guidelines.

FISCAL IMPACT:

This project was approved in the FY 2006-07 Capital Improvement Program as an Infrastructure and Facilities Improvement Project 0703 with a budget of \$110,000. The final cost of this project is \$113,732. A transfer of \$3,732 from the Building Maintenance Fund to Project (400-0703) will provide necessary funding as shown below:

MAYOR AND TOWN COUNCIL

SUBJECT: PPW JOB NO. 06-22 – CIVIC CENTER BUILDING LEAK REPAIRS AND WATERPROOFING – PROJECT 400-0703

SEPTEMBER 19, 2006

CIVIC CENTER LEAK REPAIRS					
<u>FY 2006/07 Fiscal Impact</u>	<u>Approved Budget</u>	<u>Amount of Transfer</u>	<u>Revised Budget</u>	<u>Revised Project Cost</u>	<u>Remaining Budget If Approved</u>
Project: 400-0703	110,000		110,000	110,000	-
Transfer in from Fund 695	-	3,732	3,732	3,732	
TOTALS	110,000	3,732	113,732	113,732	-
TOTAL EXPENDITURES BY CATEGORY:					
Staff Labor		-			
Materials		-			
Engineering Design					
Construction -Contract				108,980	
Additional Work		-		4,752	
TOTAL		-		113,732	

Attachments:

Resolution accepting work of Taurus Roof Services, Inc., DBA Waterproofing Associates (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
TAURUS ROOF SERVICES, INC.,
DBA WATERPROOFING ASSOCIATES
FOR PPW JOB NO. 06-22 – CIVIC CENTER BUILDING LEAK REPAIRS
AND WATERPROOFING
AND AUTHORIZING THE TOWN MANAGER TO EXECUTE
CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION
FOR RECORDING BY CLERK ADMINISTRATOR

WHEREAS, on July 1, 2006, during legislative recess of the Town Council, the Town Manager awarded the contract for this work to Taurus Roof Services, Inc., DBA Waterproofing Associates, as the lowest responsible bidder; and

WHEREAS, Taurus Roof Services, Inc., DBA Waterproofing Associates substantially completed the project in conformance with the Town's informal bid process and pursuant to Council approval; and

WHEREAS, ten percent of the performance bond provided by Therma Corporation shall remain in place for two years until October 2, 2008 to guarantee the work; and

WHEREAS, the work on PPW Job No. 06-22 – Civic Center Building Leak Repairs and Waterproofing 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 Clerk Administrator 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 2nd day of October, 2006 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 TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

RECORDING REQUESTED BY:

TOWN OF LOS GATOS

PLEASE RECORD AND RETURN TO:

Clerk Administrator
P.O. Box 949
Los Gatos, CA 95031

CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION
PPW JOB NO. 06-22-CIVIC CENTER BUILDING LEAK REPAIRS AND
WATERPROOFING

TO WHOM IT MAY CONCERN:

We do hereby certify that **Taurus Roof Services**, DBA Waterproofing Associates substantially completed the work on August 27, 006, called for in the agreement with the Town of Los Gatos dated **July 10, 2006**. The work is outlined in the Town's informal bid process prepared by the Town of Los Gatos and generally consisted of furnishing all labor, materials, tools, equipment, and services required for completion of the PPW Job No. 06-22 – Civic Center Building Leak Repairs and Waterproofing located in the TOWN OF LOS GATOS, County of Santa Clara, State of California and was completed, approved and accepted **October 2, 2006**.

The Surety accompanying the contract/agreement is the International Fidelity Insurance Company.

Bond No.: 0430396
Date: July 11, 2006

TOWN OF LOS GATOS

By: _____
Director of Parks and Public Works

By: _____
Town Manager

EXHIBIT A

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 _____ 2006 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, ACKNOWLEDGEMENT

State of California
County of Santa Clara

On _____ before me, **MARLYN RASMUSSEN**, Clerk Administrator, 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/she executed the same in his/her authorized capacity, and that by his/her 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 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
PPW Job No. 06-22 – Civic Center Building Leak Repairs and
Waterproofing

Number of Pages: 2

Date of Document:

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