



MEETING DATE: 12/4/06
ITEM NO:

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COUNCIL AGENDA REPORT

DATE: NOVEMBER 14, 2006

TO: MAYOR AND TOWN COUNCIL

FROM: DEBRA J. FIGONE, TOWN MANAGER

A handwritten signature in black ink, appearing to be "Debra J. Figone", written over the "FROM:" line.

SUBJECT: PPW JOB NO. 06-07 – CURB, GUTTER, AND SIDEWALK REPLACEMENT FOR FISCAL YEAR 2006-07 – PROJECT 0349
ADOPT RESOLUTION ACCEPTING WORK OF C. B. CONSTRUCTION COMPANY, AND AUTHORIZING THE TOWN MANAGER TO EXECUTE CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION FOR RECORDING BY THE CLERK ADMINISTRATOR

RECOMMENDATION:

Adopt resolution accepting work of C. B. Construction Company and authorizing the Town Manager to execute Certificate of Acceptance and Notice of Completion for recording by the Clerk Administrator.

BACKGROUND:

This project completed the annual repair and replacement of damaged curbs, gutters, and sidewalks throughout Town. Locations for repair and replacement work are identified throughout the year by Parks and Public Works Department staff and requests received from the public. The primary cause of damage to the concrete curb, gutter, and sidewalks are tree roots near such facilities. In conjunction with the replacement of damaged concrete, tree roots are also pruned to minimize further damage to the new curb, gutter, and sidewalks.

DISCUSSION:

On September 18, 2006, The Town Council awarded the contract for this work to C. B. Construction Company in the amount of \$68,920.75, as the lowest responsible bidder. The contracted work has been completed by C. B. Construction Company and is accepted by the Parks and Public Works Department.

A handwritten signature in black ink, appearing to be "John E. Curtis", written over the "PREPARED BY:" line.
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. 06-07 – CURB, GUTTER, AND SIDEWALK REPLACEMENT
FOR FISCAL YEAR 2006-07 – PROJECT 0349

NOVEMBER 14, 2006

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:

The construction contract was awarded for \$68,921 with a contingency budget of \$10,000, bringing the authorized project budget to \$78,921. The construction contract was completed for \$78,832, within the authorized budget. The remaining project budget funds of \$24,400 will be used for minor concrete repairs as needed in Town this fiscal year.

FY 2006-07 CURB, GUTTER AND SIDEWALK PROJECT					
<u>FY 2006/07 Fiscal Impact</u>	<u>Budget Funding</u>	<u>YTD Expenditures</u>	<u>Available Funding</u>	<u>Amount this Contract</u>	<u>Remaining Budget</u>
<u>Project Funds 400-0349</u>	138,232	35,000	103,232	78,832	24,400
TOTALS	138,232	35,000	103,232	78,832	24,400
TOTAL EXPENDITURES BY CATEGORY:					
Staff Labor		-			
Materials		-			
Construction		-		68,921	
Contingency		-		9,911	
TOTALS		-		78,832	

Attachments:

Resolution accepting work of C. B. Construction Company (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
C. B. CONSTRUCTION COMPANY
FOR PPW JOB NO. 06-07
CURB, GUTTER, AND SIDEWALK REPLACEMENT
FOR FISCAL YEAR 2006-07 – PROJECT 0349
AND AUTHORIZING THE TOWN MANAGER TO EXECUTE
CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION
FOR RECORDING BY CLERK ADMINISTRATOR**

WHEREAS, on September 18, 2006, the Town Council awarded a contract for the Curb, Gutter, and Sidewalk Replacement Project to C. B. Construction Company, as the lowest responsible bidder; and

WHEREAS, C. B. Construction Company substantially completed the project in conformance with the Town's bid process and pursuant to Council approval; and

WHEREAS, ten percent of the performance bond provided by C. B. Construction Company shall remain in place for two years until December 4, 2008 to guarantee the work; and

WHEREAS, the work on PPW Job No. 06-07 – 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 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 4th day of December, 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. 06-07 – CURB GUTTER, AND SIDEWALK REPLACEMENT PROJECT
FOR FISCAL YEAR 2006-07

TO WHOM IT MAY CONCERN:

We do hereby certify that **C. B. Construction Company**, substantially completed the work on November 8, 2006, called for in the agreement with the Town of Los Gatos dated **September 29, 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. 06-07 – 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 **December 4, 2006**.

The Surety accompanying the contract/agreement is the National Mutual Insurance Company.

Bond No.: BD701367
Date: September 28, 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, **JACKIE ROSE**, 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. 6-07 – Curb, Gutter, and Sidewalk Replacement for
Fiscal Year 2006-07

Number of Pages: 2

Date of Document:

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