



MEETING DATE: 9/4/07

ITEM NO:

5

COUNCIL AGENDA REPORT

DATE: AUGUST 22, 2007

TO: MAYOR AND TOWN COUNCIL

FROM: PAMELA JACOBS, INTERIM TOWN MANAGER

P. Jacobs

SUBJECT: PPW JOB NO. 07-05 – FISCAL YEAR 2007-08 CURB, GUTTER, AND SIDEWALK REPAIR AND REPLACEMENT PROJECT (400-0349)

- A. ADOPT RESOLUTION DECLARING CB CONSTRUCTION COMPANY TO BE THE LOWEST RESPONSIBLE BIDDER ON THE PROJECT AND AWARD A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$105,800.
- B. AUTHORIZE STAFF TO EXECUTE FUTURE CHANGE ORDERS TO THE CONSTRUCTION CONTRACT AS NECESSARY UP TO AN AMOUNT OF \$15,000.

RECOMMENDATION:

1. Adopt resolution (Attachment 1) declaring CB Construction Company to be the lowest responsible bidder on the project and award a construction contract (Exhibit A) in the amount of \$105,800.
2. Authorize staff to execute future change orders to the construction contract as necessary up to an amount of \$15,000.

BACKGROUND:

This project repairs and replaces damaged curbs, gutters, and sidewalks throughout Town. The location for repairs and replacement work were identified throughout the past year by Parks and Public Works Department staff. In conjunction with the replacement of damaged concrete, tree roots are also pruned to minimize further damage to new curb, gutter, and sidewalks.

DISCUSSION:

On July 18, 2007, during legislative recess of the Town Council, the Town Manager approved plans and specifications for the Curb, Gutter, and Sidewalk Repair and Replacement project and authorized staff to advertise the project for bids. On August 15, 2007, three (3) bids were received for this project. See (Attachment 2) Bid Summary.

PREPARED BY: KEVIN ROHANI
Interim Director of Parks and Public Works

Kevin Rohani

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Reviewed by: _____ Assistant Town Manager *OK* Town Attorney
_____ Clerk Administrator *S* Finance _____ Community Development

MAYOR AND TOWN COUNCIL

SUBJECT: PPW JOB NO. 07-05 – FISCAL YEAR 2007-08 CURB, GUTTER, AND
SIDEWALK REPAIR AND REPLACEMENT PROJECT (400-0349)

AUGUST 22, 2007

Staff reviewed the bids received and has determined that CB Construction Company is a responsible entity and that its bid is responsive to the Town's formal bid process. It is recommended that the Council adopt the attached Resolution that would declare CB Construction Company to be the lowest responsible bidder on the project and award a construction contract to this company in the amount of \$105,800.

Further, it is recommended that Council authorize staff to execute future change orders to the construction contract up to an amount of \$15,000 due to the variables associated with this type of construction. The change order amount is adequate to cover the cost of unforeseen circumstances that may arise during the course of construction and/or for additional quantities of work that may exceed those included in the award of contract. It is anticipated that construction will begin on this project in October 2007.

CONCLUSION:

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

ENVIRONMENTAL ASSESSMENT:

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

FISCAL IMPACT:

The FY 2007/08 Curb, Gutter and Sidewalk Repair Project (400-0349) was approved by Council on May 7, 2007. The following chart describes the project's budget:

CURB, GUTTER AND SIDEWALK REPLACEMENT PROJECT				
PPW Job # 07-05				
	Budget	Expended/ Encumbered	Proposed	Remaining
FY 2007/08 Fiscal Impact	Funding	To Date	Contract Amount	Budget If Approved
Project: 400-0349	200,000	-	105,800	94,200
TOTALS	200,000	-	105,800	94,200
TOTAL EXPENDITURES BY CATEGORY:				
Staff Labor		-		
Materials		-		
Engineering Design		-		
Construction		-	105,800	
Contingency		-	-	
TOTALS		-	105,800	

Attachments:

1. Resolution declaring CB Construction Company as the lowest responsible bidder with Exhibit A) Agreement
2. Bid Summary

RESOLUTION

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
AWARDING A CONSTRUCTION CONTRACT TO
CB CONSTRUCTION COMPANY
FOR PPW JOB NO. 07-05 - FISCAL YEAR 2007-08
CURB, GUTTER, AND SIDEWALK REPAIR AND REPLACEMENT PROJECT**

WHEREAS, bids were sought in conformance with State and Town law for PPW Job No.07-05 – Curb, Gutter, and Sidewalk Repair and Replacement Project; and

WHEREAS, CB Construction Company submitted a 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 CB Construction Company is declared to be the lowest responsible bidder for PPW Job No. 07-05 – Curb, Gutter, and Sidewalk Repair and Replacement Project.

BE IT FURTHER RESOLVED that the Interim 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 \$105,800.

BE IT FURTHER RESOLVED, that staff is authorized to execute future change orders, as necessary, up to an amount of \$15,000.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 4th day of September, 2007, 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

CONTRACT

THIS AGREEMENT is between the **Town of Los Gatos** (hereinafter referred to as "Owner") and **CB Construction Company** hereinafter referred to as "Contractor"). Owner and Contractor, for the consideration hereinafter named, agrees as follows:

A. SCOPE OF WORK

Contractor shall furnish all materials and perform all of the work for the construction of **PPW Job No. 07-05 – Fiscal Year 2007-08 Curb, Gutter, and Sidewalk Repair and Replacement Project** 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 (one hundred five thousand eight hundred dollars) **\$105,800**, 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 there from.

E. TIME OF COMPLETION

The Work called for herein shall be fully completed in fifty **(50) 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 there from 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 II, 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:
CB Construction Company

Pamela Jacobs, Interim Town Manager

(Signature)

RECOMMENDED BY:

(Print Name)

Kevin Rohani
Interim Director of Parks and Public Works

(Address)

APPROVED AS TO FORM:

Orry P. Korb, Town Attorney

(City, State, Zip)

ATTEST:

Jackie Rose, Clerk Administrator

(Contractor's License Number)

*Town of Los Gatos Parks and Public Works Department
FY 07/08 Curb, Gutter & Sidewalk Repair & Replacement Project #07-05
Certified Bid Tabulation Bid opening: August 15, 2007 at 10:00 A.M. at the Civic Center*

				Engineers Estimate		CB Construction 2184 Los Gatos-Almaden Rd San Jose, CA 95124		Valley Concrete 1020 Ruff Dr San Jose, CA 95110		Jos. J. Albanese, Inc. PO Box 667 Santa Clara, CA 95052-0667	
Item No.	Description	Quantity	Unit	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost
1	Sidewalk	4,000	SF	15.00	60,000.00	12.90	51,600.00	14.75	59,000.00	18.20	72,800.00
2	Curb & Gutter	550	LF	50.00	27,500.00	45.00	24,750.00	62.50	34,375.00	78.00	42,900.00
3	Root Prune	20	EA	200.00	4,000.00	175.00	3,500.00	175.00	3,500.00	125.00	2,500.00
4	R&R Asphalt	100	SF	10.00	1,000.00	9.50	950.00	9.00	900.00	24.00	2,400.00
5	Patch Parking Garage Wall	1	LS	1,000.00	1,000.00	1,000.00	1,000.00	392.00	392.00	1,500.00	1,500.00
6	Swale	100	SF	50.00	5,000.00	40.00	4,000.00	14.97	1,497.00	22.00	2,200.00
7	Marchmont Ct/Dr	1	LS	25,000.00	25,000.00	20,000.00	20,000.00	17,168.00	17,168.00	37,600.00	37,600.00
					123,500.00		105,800.00		116,832.00		161,900.00

This certifies that all bids were received and opened on August 15, 2007, and that this is a copy of the bid tabulation with bids corrected for errors in addition & multiplication. By:

