



MEETING DATE: 10/15/07

ITEM NO: 5

COUNCIL AGENDA REPORT

DATE: SEPTEMBER 28, 2007

TO: MAYOR AND TOWN COUNCIL

FROM: PAMELA JACOBS, INTERIM TOWN MANAGER *PJ Jacobs*

SUBJECT: PPW JOB NO. 07-13-TAIT MUSEUM ROOF REPLACEMENT PROJECT (0717)
ADOPT RESOLUTION ACCEPTING WORK OF WATERPROOFING ASSOCIATES AND AUTHORIZING THE INTERIM TOWN MANAGER TO EXECUTE CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION FOR RECORDING BY THE CLERK ADMINISTRATOR

RECOMMENDATION:

Adopt resolution accepting work of Waterproofing Associates and authorizing the Interim Town Manager to execute Certificate of Acceptance and Notice of Completion for recording by the Clerk Administrator.

BACKGROUND:

This project installed a multi-component roof system at the Tait Museum building. Refurbishing of the roof entailed the removal of all the tiles, applying new water proofing material, reusing the undamaged tiles, and replacing any broken tiles with new tiles. The flat portion of the roof was stripped and a new waterproof membrane was applied and finished with an updated roofing system.

DISCUSSION:

On May 21, 2007, The Town Council awarded the contract for this work to Waterproofing Associates. The contracted work has been completed by Waterproofing Associates and is accepted by the Parks and Public Works Department.

During the course of construction, a change order in the amount of \$3,571 was necessary for asbestos removal. This additional work was within the scope of this project, and was completed successfully. The final cost for this project was \$72,460, under the \$75,000 project budget.

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

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

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

FISCAL IMPACT:

The Tait Museum Roof Replacement Project was a FY 2006/07 Capital Improvement Project with a budget of \$75,000. This project was completed for \$72,460. The remaining balance of \$2,540 will become available in the Facilities Fund (695) for future facilities improvements. The following chart describes this project's budget:

TAIT MUSEUM ROOF REPLACEMENT PROJECT			
CIP Project # 400-0717			
PPW Job# 07-13			
FY 2006/07 Fiscal Impact	Project Budget	Expensed/ Encumbered to date	Balance of Account
Tait Museum Roof Project	75,000	72,460	2,540
TOTAL PROJECT FUNDING	75,000	72,460	2,540
TOTAL EXPENDITURES BY CATEGORY:			
Staff Labor		-	
Materials		-	
Construction: Waterproofing Associates		68,889	
Change Orders		3,571	
TOTAL		72,460	

Attachments:

Resolution accepting work of 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 WATERPROOFING ASSOCIATES
FOR PPW JOB NO. 07-13
TAIT MUSEUM ROOF REPLACEMENT PROJECT
AND AUTHORIZING THE INTERIM TOWN MANAGER TO EXECUTE
CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION
FOR RECORDING BY CLERK ADMINISTRATOR

WHEREAS, on May 21, 2007, the Town Council awarded a contract for PPW Job No. 07-13 - Tait Museum Roof Replacement Project to Waterproofing Associates as the lowest responsible bidder; and

WHEREAS, Waterproofing Associates 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 Waterproofing Associates shall remain in place for two years until October 15, 2009 to guarantee the work; and

WHEREAS, the work on PPW Job No. 07-13 – Tait Museum Roof Replacement Project is hereby accepted as complete pursuant to the plans and specifications for the project.

NOW THEREFORE BE IT RESOLVED, that the Interim 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 15th day of October, 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

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. 07-13 – TAIT MUSEUM ROOF REPLACEMENT PROJECT

TO WHOM IT MAY CONCERN:

We do hereby certify that **Waterproofing Associates** substantially completed the work on September 14 2007, called for in the agreement with the Town of Los Gatos dated **June 22, 2007**. The work is outlined in the Town's 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. 07-13 – Tait Museum Roof Replacement Project located in the TOWN OF LOS GATOS, County of Santa Clara, State of California and was completed, approved and accepted **October 15, 2007**.

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

Bond No.: 0450326
Date: May 21, 2007

TOWN OF LOS GATOS

By: _____
Interim Director of Parks and Public Works

By: _____
Interim Town Manager

Acknowledgement Required

AFFIDAVIT
To Accompany Certificate of Acceptance and Notice of Completion
PPW Job No. 07-13 – Tait Museum Roof Replacement Project

I, **PAMELA JACOBS**, the Interim 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 _____, 2007 at Los Gatos, California.

PAMELA JACOBS, INTERIM TOWN MANAGER
Town of Los Gatos

RECOMMENDED BY:

_____ Date: _____
Interim Director of Parks and Public Works

APPROVED AS TO FORM:

_____ Date: _____
Town Attorney

Notary Jurat Required

ACKNOWLEDGEMENT

State of California
County of Santa Clara

On _____ before me, **JACKIE ROSE, NOTARY PUBLIC**, personally appeared **KEVIN ROHANI** and **PAMELA JACOBS**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the within instrument the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal:

Notary Public

(seal)

----- **OPTIONAL** -----

CAPACITY CLAIMED BY SIGNER:

Municipal Officers of the Town of Los Gatos

DESCRIPTION OF ATTACHED DOCUMENT:

Title of Document: Certificate of Acceptance and Notice of Completion
PPW Job No. 07-13 – Tait Museum Roof Replacement Project

No. of Pages: 1

Date of Document: _____

Signer(s) Other than Named Above: Orry Korb

JURAT

State of California

County of Santa Clara

Subscribed and sworn to (or affirmed) before me, **Jackie Rose, Notary Public**, on this _____ day of _____, 2007, by _____, personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Notary Public

(SEAL)

----- OPTIONAL -----

DESCRIPTION OF ATTACHED DOCUMENT:

Title of Document: Affidavit to Accompany Certificate of Acceptance and Notice of Completion - PPW Job No. 07-13 – Tait Museum Roof Replacement Project

Number of Pages: 1

Date of Document: _____

Signers Other than Named Above: Kevin Rohani and Orry Korb