



MEETING DATE: 10/15/07

ITEM NO:

9

### COUNCIL/AGENCY AGENDA REPORT

DATE: SEPTEMBER 28, 2007

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

FROM: PAMELA JACOBS, INTERIM TOWN MANAGER/EXECUTIVE DIRECTOR *PJacobs*

SUBJECT: PPW JOB NO. 07-07 – ELM STREET RECONSTRUCTION PROJECT 930-0811  
ADOPT RESOLUTION ACCEPTING WORK OF JOSEPH J. ALBANESE,  
INC. AND AUTHORIZING THE INTERIM TOWN MANAGER/EXECUTIVE  
DIRECTOR 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 Joseph J. Albanese, Inc. and authorizing the Interim 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:

The scope of this project included the removal of all failed pavement and base materials between the curbs on Elm Street, preparing and grading the sub-base, placing of new base material, and finishing the project by applying an asphalt overlay to the street. The street surface on Elm Street was extremely poor, near failure, and had severe cracks and holes.

#### DISCUSSION:

During legislative recess of the Town Council/Redevelopment Agency in July, 2007, the Town Manager awarded a contract for this work to Joseph J. Albanese, Inc. The contracted work has been completed by Joseph J. Albanese, Inc. and is accepted by the Parks and Public Works Department.

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 4 Finance \_\_\_\_\_ Community Development

MAYOR AND TOWN COUNCIL/

CHAIR AND MEMBERS OF THE REDEVELOPMENT AGENCY

SUBJECT: PPW JOB NO. 07-07 – ELM STREET RECONSTRUCTION PROJECT 930-0811  
SEPTEMBER 28, 2007

During the excavation of this roadway, a very old storm drain pipe that had collapsed was discovered under the intersection of Elm Street and University Avenue. This necessitated additional repair work outside the scope of the project, with additional expenditures of \$11,366. This extra work was successfully completed within the project's one-week construction schedule. Additional project expenditures include engineering staffing (\$2,312) and blue prints (\$310), for a total project cost of \$95,876, under the project's total budget of \$100,000.

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/Agency approve the Certificate of Acceptance and Notice of Completion for recording by the Clerk Administrator/Secretary.

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 FY2007/08 Capital Improvement Program approved \$100,000 in Redevelopment Agency (RDA) funds for this project. The final project costs were \$95,876. The remaining balance of \$4,124 will become available in the RDA fund (930) for future RDA projects. The following chart details the project's budget:

<b>ELM STREET RECONSTRUCTION PROJECT</b>			
<b>PPW Job # 07-07</b>			
<b>FY 2007/08 Fiscal Impact</b>	<b>Budget Funding</b>	<b>Expended/ Encumbered to Date</b>	<b>Remaining Balance</b>
<b>Elm Street Reconstruction Project #930-0811</b>	100,000	95,876	4,124
<b>TOTALS</b>	<b>100,000</b>	<b>95,876</b>	<b>4,124</b>
<b>TOTAL EXPENDITURES BY CATEGORY:</b>			
<b>Staff Labor</b>		2,312	
<b>Materials</b>		310	
<b>Construction</b>		81,888	
<b>Change Orders</b>		11,366	
<b>TOTALS</b>		<b>95,876</b>	

Attachments:

Resolution accepting work of Joseph J. Albanese, Inc. (with Exhibit A) Certificate of Acceptance and Notice of Completion.

## **RESOLUTION**

**RESOLUTION OF THE TOWN COUNCIL/REDEVELOPMENT AGENCY  
OF THE TOWN OF LOS GATOS  
ACCEPTING WORK OF JOSEPH J. ALBANESE, INC.  
FOR PPW JOB NO. 07-07  
ELM STREET RECONSTRUCTION PROJECT  
AND AUTHORIZING THE  
INTERIM TOWN MANAGER/EXECUTIVE DIRECTOR  
TO EXECUTE CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION  
FOR RECORDING BY CLERK ADMINISTRATOR/SECRETARY**

**WHEREAS**, during legislative recess of the Town Council/Redevelopment Agency in July, 2007, the Town Manager/Executive Director awarded a contract for the Elm Street Reconstruction Project - PPW Job No. 07-07 to Joseph J. Albanese, Inc. as the lowest responsible bidder; and

**WHEREAS**, Joseph J. Albanese, Inc. substantially completed the project in conformance with the Town's bid process and pursuant to Council/Agency approval; and

**WHEREAS**, ten percent of the performance bond provided by Joseph J. Albanese, Inc. shall remain in place for two years until October 15, 2009 to guarantee the work; and

**WHEREAS**, the work on PPW Job No. 07-07 – Elm Street Reconstruction 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/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 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 15th day of October, 2007 by the following vote.

COUNCIL/AGENCY MEMBERS:

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

**RECORDING REQUESTED BY:**

TOWN OF LOS GATOS

PLEASE RECORD AND RETURN TO:

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

**CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION**  
**PPW JOB NO. 07-07 – ELM STREET RECONSTRUCTION PROJECT**

TO WHOM IT MAY CONCERN:

We do hereby certify that **Joseph J. Albanese, Inc.** substantially completed the work on September 4, 2007, called for in the agreement with the Town of Los Gatos dated **July 31, 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. 07-07 – Elm Street Reconstruction 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 Travelers Casualty and Insurance Company of America.

Bond No.: 104920817  
Date: July 25, 2007

TOWN OF LOS GATOS

By: \_\_\_\_\_  
Interim Director of Parks and Public Works

By: \_\_\_\_\_  
Interim Town Manager/Executive Director

Acknowledgement Required

**AFFIDAVIT**  
**To Accompany Certificate of Acceptance and Notice of Completion**  
**PPW Job No. 07-07 – Elm Street Reconstruction Project**

I, **PAMELA JACOBS**, the Interim Town Manager/Executive Director of the Redevelopment Agency 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/EXECUTIVE DIRECTOR  
of the Redevelopment Agency of the Town of Los Gatos

**RECOMMENDED BY:**

\_\_\_\_\_  
Interim Director of Parks and Public Works

Date: \_\_\_\_\_

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Town Attorney/General Counsel

Date: \_\_\_\_\_

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. 07-07 – Elm Street Reconstruction 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. 07-07 – Elm Street Reconstruction Project

**Number of Pages:** 1

**Date of Document:** \_\_\_\_\_

**Signers Other than Named Above:** Kevin Rohani and Orry Korb