



MEETING DATE: 12/3/07

ITEM NO: 1

COUNCIL AGENDA REPORT

DATE: NOVEMBER 15, 2007

TO: MAYOR AND TOWN COUNCIL

FROM: PAMELA JACOBS, INTERIM TOWN MANAGER

P. Jacobs

SUBJECT: PPW JOB NO. 08-09 - TREE PRUNING AND REMOVAL PROJECT
A. ADOPT RESOLUTION DECLARING TRUGREEN LANDCARE TO BE THE LOWEST RESPONSIBLE BIDDER ON THE PROJECT AND AWARD A TREE PRUNING AND REMOVAL CONTRACT IN THE AMOUNT OF \$29,955.
B. AUTHORIZE STAFF TO ISSUE CHANGE ORDERS TO THE CONTRACT UP TO AN AMOUNT OF \$5,000.

RECOMMENDATION:

1. Adopt Resolution declaring Trugreen Landcare to be the lowest responsible bidder on the project and award a Tree Pruning and Removal contract (Exhibit A) in the amount of \$29,955.
2. Authorize staff to issue change orders to the contract up to an amount of \$5,000.

BACKGROUND:

The Town of Los Gatos has an annual tree pruning and removal contract to supplement Town tree crews in keeping the trees in the Town's public right-of-way trimmed and pruned. For FY 2007/08, approximately 149 trees in various sections of the Town are scheduled for pruning or removal. Bids for the Tree Pruning and Removal Project were received by the Parks Superintendent on November 9, 2007. The following contractors submitted bids for this project:

Trugreen Landcare	\$29,955
Valley Crest Tree Care Service	\$35,871
Arbortek	\$59,215

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 *SC* Finance _____ Community Development

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MAYOR AND TOWN COUNCIL

SUBJECT: PROJECT 08-09 - TREE PRUNING AND REMOVAL

NOVEMBER 15, 2007

The low bidder has successfully completed contract tree pruning for other public agencies and is fully capable of performing the work required for the Town's project. Staff has carefully analyzed the bids, checked the low bidder's references, and has determined that the bid submitted by Trugreen Landcare is responsive to the Town's solicitation dated October 22, 2007.

DISCUSSION:

For projects under \$100,000, the Town's informal bid process does not require public advertising and the preparation of a complete set of plans and specifications for a project. This informal bid process allows staff to prepare a scope of work, solicit bids from minimum of three (3) contractors, and award the contract to the lowest responsible bidder. The Town uses this process for small and uncomplicated projects.

It is recommended that the Council adopt the attached Resolution that would declare Trugreen Landcare to be the lowest responsible bidder on the project and award a tree pruning and removal contract to this company in the amount of \$29,955.

It is recommended that the Council authorize staff to execute future Change Orders to the contract up to an amount of \$5,000. Given the variables associated with this type of work, staff should be able to manage this project and the change order amount is adequate to cover the cost to remove or prune any additional hazardous trees identified by staff or the Contractor during the course of the work or any unforeseen circumstances that may arise that may exceed the contract amount. The tree pruning and removal work is anticipated to start in January 7, 2008.

CONCLUSION:

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

ENVIRONMENTAL ASSESSMENTS:

This is not a project defined under CEQA, and no further action is required.

FISCAL IMPACT:

Sufficient funds are available in the Fiscal Year 2007/08 Parks Program operating budget in Account 5020-61115 to cover both the base contract and recommended change order amounts.

Attachments:

Resolution declaring Trugreen Landcare as the lowest responsible bidder (with Exhibit A) Tree Pruning and Removal Contract

RESOLUTION

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
AUTHORIZING THE AWARD AND EXECUTION OF CONTRACT WITH
TRUGREEN LANDCARE
FOR PPW JOB NO. 08-09 - TREE PRUNING AND REMOVAL PROJECT**

WHEREAS, bids were sought in conformance with State and Town law for PPW Job No. 08-09 - Tree Pruning and Removal Project; and

WHEREAS, Trugreen Landcare submitted the lowest bid which the Town Council deems to be responsive to the Town's solicitation dated October 22, 2007.

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Los Gatos that Trugreen Landcare declared to be the lowest responsible bidder for PPW Job No. 08-09 and that the Interim Town Manager is authorized to execute a contract (attached as Exhibit A) for said project on behalf of the Town in the amount of \$29,955.

BE IT FURTHER RESOLVED, that staff is authorized to execute future change orders, as necessary, up to an amount of \$5,000.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 3rd day of December, 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 **Trugreen Landcare** (hereinafter referred to as "Contractor"). Owner and Contractor, for the consideration hereinafter named, agree as follows:

A. SCOPE OF WORK

Contractor shall furnish all materials and perform all of the work for the construction of **PPW Job No. 08-09 - Tree Pruning and Removal 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 (twenty nine thousand nine hundred and fifty five dollars), **\$29,955**, 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.

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 therefrom.

E. TIME OF COMPLETION

The Work called for herein shall be fully completed within Sixty **(60)** 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 therefrom which shall appear within a period of 2 years from the date of recording of the *Notice of Completion*.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of _____ day of _____, 2007.

TOWN OF LOS GATOS, by:

by: Trugreen Landcare

Pamela Jacobs, Interim Town Manager

(Signature)

RECOMMENDED BY:

**Kevin Rohani, Interim Director
Parks and Public Works**

(Print Name)

(Address)

APPROVED AS TO FORM:

Orry P. Korb, Town Attorney

(City, State, Zip)

ATTEST:

Jackie Rose, Clerk Administrator

(Contractor's License Number)