



MEETING DATE: 11/19/07

ITEM NO: 4

## COUNCIL AGENDA REPORT

DATE: OCTOBER 10, 2007

TO: MAYOR AND TOWN COUNCIL

FROM: PAMELA JACOBS, INTERIM TOWN MANAGER *P. Jacobs*

SUBJECT: PPW JOB NO. 08-07 - BACHMAN PARK IRRIGATION PROJECT (410-0607)

- A. ADOPT RESOLUTION DECLARING B&B LANDSCAPE CONTRACTORS TO BE THE LOWEST RESPONSIBLE BIDDER ON THE PROJECT AND AWARD A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$94,650
- B. AUTHORIZE STAFF TO EXECUTE FUTURE CHANGE ORDERS TO THE CONSTRUCTION CONTRACT AS NECESSARY UP TO AN AMOUNT OF \$9,400
- C. AUTHORIZE BUDGET ADJUSTMENT OF \$11,700 FOR BACHMAN PARK IRRIGATION PROJECT 410-0607
- D. AUTHORIZE TRANSFER OF \$11,700 IN UNDESIGNATED STATE PARKS GRANT FUNDS (410) TO BACHMAN PARK IRRIGATION PROJECT 410-0607

### RECOMMENDATION:

- 1. Adopt resolution (Attachment 1) declaring B&B Landscape Contractors to be the lowest responsible bidder on the project and award a construction contract (Exhibit A) in the amount of \$94,650.
- 2. Authorize staff to execute future change orders to the construction contract as necessary up to an amount of \$9,400.
- 3. Authorize budget adjustment of \$11,700 for Bachman Park Irrigation Project 410-0607.
- 4. Authorize transfer of \$11,700 in undesignated State Parks Grant funds (410) to Bachman Park Irrigation Project 410-0607.

### BACKGROUND:

This project will upgrade the irrigation system at Bachman Park with a system designed to provide proper irrigation coverage for the lawn area and use new irrigation heads that are efficient and functional. The construction of this project was postponed until winter in order to minimize inconveniences to the park users during the summer months and heavy park usage.

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

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MAYOR AND TOWN COUNCIL

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DISCUSSION:

On September 4, 2007, the Town Council approved plans and specifications for the Bachman Park Irrigation project and authorized staff to advertise the project for bids. On October 10, 2007, one bid was received for this project. See (Attachment 2) Bid Summary.

Staff reviewed the bid received and has determined that B&B Landscape Contractors 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 B&B Landscape Contractors to be the lowest responsible bidder on the project and award a construction contract to this company in the amount of \$94,650.

Further, it is recommended that Council authorize staff to execute future change orders to the construction contract up to an amount of \$9,400 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 December 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:

This project's original estimated cost was \$100,000, funded from State Parks Bond grant. During FY 2006/07, design and material expenditures totalled \$7,595. The remaining balance of \$92,405 is insufficient to complete this project. The construction bid is \$94,650 and a contingency of \$9,190 revises the project's total estimated cost to \$111,700. The additional \$11,700 is available from the undesignated park grant funds, due to prior parks projects that were completed under budget. Any unused contingency funds will revert back to the undesignated park grant fund. It is recommended to adjust this project's budget so that it can be completed this winter. The following chart describes the project's budget:

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MAYOR AND TOWN COUNCIL

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<b>BACHMAN PARK IRRIGATION UPGRADES</b>							
<b>PPW Job # 08-07</b>							
	<b>FY 2006/07 Project Funding</b>	<b>FY 2006/07 Exps</b>	<b>FY2007/08 Carryfwd Budget</b>	<b>FY 2007/08 Encum to date</b>	<b>FY 2007/08 Budget Adj</b>	<b>FY 2007/08 Revised Budget</b>	<b>Remaining Balance</b>
<b>FY 2006/07/08 Fiscal Impact</b>							
Project: 410-0607	100,000	7,595	92,405	265	-	92,140	-
Undesignated State Park Grant					11,700	11,700	-
<b>TOTALS</b>	<b>100,000</b>	<b>7,595</b>	<b>92,405</b>	<b>265</b>	<b>11,700</b>	<b>103,840</b>	<b>-</b>
<b>TOTAL EXPENDITURES BY CATEGORY:</b>							
Staff Labor							
Materials				265			
Project Design		7,595					
Construction Contract						94,650	
Contingency						9,190	-
<b>TOTALS</b>				<b>265</b>		<b>103,840</b>	<b>-</b>

Attachments:

1. Resolution declaring B&B Landscape Contractors as the lowest responsible bidder with Exhibit A) Agreement
2. Bid Summary

RESOLUTION OF THE TOWN COUNCIL  
OF THE TOWN OF LOS GATOS  
AWARDING A CONSTRUCTION CONTRACT TO  
B&B LANDSCAPE CONTRACTORS  
FOR PPW JOB NO. 08-07 – BACHMAN PARK IRRIGATION PROJECT

ATTACHMENT 1

## CONTRACT

**THIS AGREEMENT** is between the **Town of Los Gatos** (hereinafter referred to as "Owner") and **B&B Landscape Contractors** 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. 08-07 – Bachman Park Irrigation 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 (ninety four thousand six hundred and fifty dollars) **\$94,650**, 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 forty-five (45) 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:**

B&B Landscape Contractors

\_\_\_\_\_  
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

## CLERK DEPARTMENT

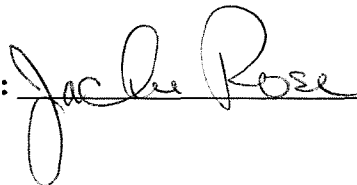
### BID SUMMARY

PROJECT: PROJECT 08-07 Bachman Park Irrigation Project

DATE: October 10, 2007 TIME: 10:00 A.M. BY: Jackie Rose

BIDDER	CONFIRMED BID	NET BID
B & B Landscape Contractors 450 Phelan Avenue San Jose, CA 95112-2504	\$94,650.00	

ATTEST:



DATE:

10/10/07

ATTACHMENT 2