



MEETING DATE: 2/19/08

ITEM NO: 5

COUNCIL AGENDA REPORT

DATE: FEBRUARY 5, 2008

TO: MAYOR AND TOWN COUNCIL

FROM: GREG LARSON, TOWN MANAGER

SUBJECT: PPW JOB NO. 07-05 – FY 2007-08 – CURB, GUTTER, AND SIDEWALK REPAIR AND REPLACEMENT PROJECT (411-813-9921)
ADOPT RESOLUTION ACCEPTING WORK OF CB CONSTRUCTION COMPANY AND AUTHORIZING THE TOWN MANAGER TO EXECUTE CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION FOR RECORDING BY THE CLERK ADMINISTRATOR

RECOMMENDATION:

Adopt resolution accepting work of CB Construction Company and authorizing the Town Manager to execute Certificate of Acceptance and Notice of Completion for recording by the Clerk Administrator.

BACKGROUND:

This project repaired and replaced 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 were also pruned to minimize further damage to new curb, gutter, and sidewalks.

DISCUSSION:

On September 4, 2007, The Town Council awarded the contract for this work to CB Construction Company for this project. The contracted work has been completed by C. B. Construction Company and is accepted by the Parks and Public Works Department.

PREPARED BY:

KEVIN ROHANI

Interim Director of Parks and Public Works

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Reviewed by: PSJ Assistant Town Manager OK Town Attorney
____ Clerk Administrator 50 Finance ____ Community Development

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MAYOR AND TOWN COUNCIL

SUBJECT: PPW JOB NO. 07-05 – FY 2007-08 – CURB, GUTTER, AND SIDEWALK
REPAIR AND REPLACEMENT PROJECT (411-813-9921)

FEBRUARY 5, 2008

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 Categorically Exempt (Section 15301c). A Notice of Exemption will not be filed.

FISCAL IMPACT:

The original contract approved by Council was for \$105,800, with a contingency budget of \$15,000, for a total project budget of \$120,800. This project was completed for \$119,693.73, within the authorized budget.

FY 2007/08 Curb, Gutter and Sidewalk	FY 2007-08 Adjusted Budget	Fiscal Year Actual Expended/Encumbered Or Planned To Date	FY 2007-08 Available Balance	Funding/ Notes
FY 2007/08 Adopted Budget	\$ 200,000	\$ 134,694	\$ 65,306	GFAR
Total Curb, Gutter and Sidewalk				
FY 2007/08				
CB Construction		119,694		
Precision Concrete		15,000		
Total Curb, Gutter and Sidewalk	\$ 200,000	\$ 134,694	\$ 65,306	

Attachments:

Resolution accepting work of CB Construction Company (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 CB CONSTRUCTION COMPANY
FOR PPW JOB NO. 07-05
CURB, GUTTER, AND SIDEWALK REPAIR AND REPLACEMENT PROJECT
AND AUTHORIZING THE TOWN MANAGER TO EXECUTE
CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION
FOR RECORDING BY CLERK ADMINISTRATOR**

WHEREAS, on September 4, 2007, the Town Council awarded a contract for the Curb, Gutter, and Sidewalk Repair and Replacement Project - PPW Job No. 07-05 to CB Construction Company as the lowest responsible bidder; and

WHEREAS, CB Construction Company 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 CB Construction Company shall remain in place for two years until February 19, 2010 to guarantee the work; and

WHEREAS, the work on PPW Job No. 07-05 – Curb, Gutter, and Sidewalk Repair and Replacement Project is hereby accepted as complete pursuant to the plans and specifications for the project.

NOW THEREFORE BE IT RESOLVED, that the 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 19th day of February, 2008 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. 07-05 – CURB, GUTTER, AND SIDEWALK REPAIR AND
REPLACEMENT PROJECT

TO WHOM IT MAY CONCERN:

We do hereby certify that **CB Construction Company** substantially completed the work on January 24, 2008, called for in the agreement with the Town of Los Gatos dated **September 11, 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. 07-05 – Curb, Gutter, and Sidewalk Repair and Replacement project located in the TOWN OF LOS GATOS, County of Santa Clara, State of California and was completed, approved and accepted **February 19, 2008**.

The Surety accompanying the contract/agreement is the AMCO Insurance Company.

Bond No.: 7900666043
Date: August 14, 2007

TOWN OF LOS GATOS

By: _____
Interim Director of Parks and Public Works

By: _____
Town Manager

Acknowledgement Required

EXHIBIT A

AFFIDAVIT
To Accompany Certificate of Acceptance and Notice of Completion
PPW Job No. 07-05
Curb, Gutter, and Sidewalk Repair and Replacement Project

I, **GREG LARSON**, the 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 _____, 2008 at Los Gatos, California.

GREG LARSON, TOWN MANAGER
Town of Los Gatos

RECOMMENDED BY:

Interim Director of Parks and Public Works

Date: _____

APPROVED AS TO FORM:

Town Attorney

Date: _____

Notary Jurat Required

ACKNOWLEDGEMENT

State of California
County of Santa Clara

On _____ before me, **JACKIE ROSE, NOTARY PUBLIC**, personally appeared **KEVIN ROHANI** and **GREG LARSON**, 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. 07-05 – Curb, Gutter, and Sidewalk Repair and 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 _____, 2008
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. 07-05 - Curb, Gutter, and Sidewalk Repair and Replacement Project

Number of Pages: 1

Date of Document: _____

Signers Other than Named Above: Kevin Rohani and Orry Korb