



MEETING DATE: 4/21/08
ITEM NO: 7

COUNCIL AGENDA REPORT

DATE: APRIL 9, 2008

TO: MAYOR AND TOWN COUNCIL

FROM: GREG LARSON, TOWN MANAGER 

SUBJECT: PPW JOB NO. 06-08A – RETAINING WALL CONSTRUCTION ALONG LOS GATOS CREEK TRAIL PROJECT 411-815-0301

- A. ADOPT RESOLUTION DECLARING CASEY CONSTRUCTION TO BE THE LOWEST RESPONSIBLE BIDDER ON THE PROJECT AND AWARD A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$51,950.00.
- B. AUTHORIZE STAFF TO EXECUTE FUTURE CHANGE ORDERS TO THE CONSTRUCTION CONTRACT AS NECESSARY UP TO AN AMOUNT OF \$5,000.
- C. AUTHORIZE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$11,950 FOR THE RETAINING WALL CONSTRUCTION ALONG LOS GATOS CREEK TRAIL PROJECT 411-815-0301
- D. AUTHORIZE TRANSFER OF \$11,950 FROM PROJECT 411-815-9930 RETAINING WALL REPAIR AND REPLACEMENT PROJECT TO PROJECT 411-815-0301.

RECOMMENDATION:

- 1. Adopt resolution (Attachment 1) declaring Casey Construction to be the lowest responsible bidder on the project and award a construction contract (Exhibit A) in the amount of \$51,950.00.
- 2. Authorize staff to execute future change orders to the construction contract as necessary up to an amount of \$5,000.
- 3. Authorize a budget adjustment in the amount of \$11,950 for the Retaining Wall Construction along Los Gatos Creek Trail Project 411-815-0301.
- 4. Authorize transfer of \$11,950 from Project 411-815-9930 Retaining Wall Repair and Replacement Project to Project 411-815-0301.

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

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Reviewed by: RSJ Assistant Town Manager OK Town Attorney
____ Clerk Administrator SC Finance ____ Community Development

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MAYOR AND TOWN COUNCIL

SUBJECT: PPW JOB NO. 06-08A – RETAINING WALL CONSTRUCTION ALONG LOS GATOS CREEK TRAIL PROJECT 411-815-0301

APRIL 9, 2008

BACKGROUND:

This project consists of replacing 100 feet of retaining wall that has failed due to this year's January 4th storms. The location is parallel to the Los Gatos Creek Trail on the south side of the Lark Avenue Bridge.

The retaining wall runs parallel to the asphalt paved trail pathway. After exploring all the available options, it was determined that the most economical approach to the project would be to remove and replace the existing wall with a soldier beam wall similar to the Villa Avenue retaining wall. An ABAG report has been filed and a permit has been obtained from Fish and Game. This project is consistent with the Town's goals to improve public health and safety.

DISCUSSION:

For projects under \$75,000 construction costs, the Town's informal bid process does not require public advertising and the preparation of a set of complete plans and specifications for a project. This informal bid process allows staff to prepare a scope of work, solicit bids from three (3) contractors, and award the contract to the lowest bidder. The Town uses this process for small and uncomplicated projects.

Bids for the Retaining Wall Construction along Los Gatos Creek were received by the Town Engineer on April 2, 2008. The following contractors submitted bids for this project:

Casey Construction Company	\$51,950.00
Anderson Pacific Engineering Construction, Inc.	\$87,800.00

It is recommended that the Council adopt the attached Resolution that would declare Casey Construction to be the lowest responsible bidder on the project and award a construction contract to this company in the amount of \$51,950.00. Staff has checked all of the bids received and has determined that Casey Construction is responsible and that its bid is responsive to the Town's informal bid process.

It is recommended that the Council authorize staff to execute future Change Orders to the construction contract up to an amount of \$5,000.00. Given the variables associated with this type of construction, staff should be able to manage the construction work and 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 awarded contract. The construction of this project is anticipated to take place in May 2008. Notification of trail closure including signs and notices to alert and inform trail users and public will be a part of this project.

CONCLUSION:

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

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MAYOR AND TOWN COUNCIL

SUBJECT: PPW JOB NO. 06-08A – RETAINING WALL CONSTRUCTION ALONG LOS GATOS CREEK TRAIL PROJECT 411-815-0301

APRIL 9, 2008

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 2008/09 mid-year budget provides for the construction of the retaining wall along the Los Gatos Creek Trail in the amount of \$45,000 from Account No. 411-815-0301. The estimated cost for this project is \$56,950 resulting in a \$11,950 shortfall. A budget adjustment for \$11,950 from Account No. 411-815-9930 to Account No. 411-815-0301 would cover this shortfall. \$411,473 will remain in Account No. 411-815-9930 after this transfer.

Retaining Walls	Project Budget FY 2007/08	Budget Adjustment (Proposed)	Adjusted Project Budget	Actual Expended/ Encumbrances	FY 2007-08 Available Balance	Funding Source
Project (411-815-9930)	\$ 429,423	\$ (11,950)	\$ 417,473	\$ 6,000	411,473	
Project (411-815-0301)	\$ 45,000	\$ 11,950	\$ 56,950	\$ -	56,950	
Total	\$ 474,423	\$ -	\$ 474,423	\$ 6,000	\$ 468,423	GFAR
FY 2007-08 Expenditure Detail						
Casey Construction Contract	\$ -		\$ 56,950	\$ -	56,950	
Total	\$ -	\$ -	\$ 56,950	\$ -	\$ 56,950	GFAR

Attachments:

1. Resolution declaring Casey Construction as the lowest responsible bidder with Exhibit A) Agreement
2. Bid Summary

RESOLUTION

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
AWARDING A CONSTRUCTION CONTRACT TO
CASEY CONSTRUCTION COMPANY
FOR PPW JOB NO. 06-08A
RETAINING WALL CONSTRUCTION
ALONG THE LOS GATOS CREEK TRAIL**

WHEREAS, bids were sought in conformance with State and Town law for PPW Job No.06-08A – Retaining Wall Construction along Los Gatos Creek Trail; and

WHEREAS, Casey Construction Company submitted a bid which the Town Council deems to be responsive to the Town's solicitation.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Los Gatos, County of Santa Clara, State of California, that Casey Construction Company is declared to be the lowest responsible bidder for PPW Job No. 06-08A – Retaining Wall Construction along the Los Gatos Creek Trail.

BE IT FURTHER RESOLVED that the Town Manager is hereby authorized and directed to execute a construction contract (Attached as Exhibit A) for said project on behalf of the Town in the amount of \$51,950.00.

BE IT FURTHER RESOLVED, that staff is authorized to execute future change orders, as necessary, up to an amount of \$5,000.00.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 21st day of April, 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

CONTRACT

THIS AGREEMENT is between the **Town of Los Gatos** (hereinafter referred to as "Owner") and **Casey Construction Company** (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. 06-08A – Retaining Wall Construction along the Los Gatos Creek Trail** 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 (fifty one thousand nine hundred and fifty dollars) **(\$51,950.00)**, 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 there from.

E. TIME OF COMPLETION

The Work called for herein shall be fully completed in thirty **(30) 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*.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of day of _____, 20____.

TOWN OF LOS GATOS, by:

CONTRACTOR, by:
Casey Construction Company

Greg Larson, 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 Parks and Public Works Department
Los Gatos Creek Trail Retaining Wall Replacement Project #06-08A
Bid opening: April 2, 2008

				Engineers Estimate		Casey Construction 620 Handley Trail Emerald Hills, CA 94062		Anderson Pacific 1390 Norman Av. Santa Clara, CA 95054	
Item No.	Description	Quantity	Unit	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost
1	Replace Retaining Wall	1	LS	50,000.00	50,000.00	51,950.00	51,950.00	87,800.00	87,800.00
					50,000.00		51,950.00		87,800.00

This certifies that all bids were received and opened on April 2, 2008, and that this is a copy of the bid tabulation with bids corrected for errors in addition & multiplication. By: