



MEETING DATE: 4/21/08

ITEM NO: 10

## COUNCIL AGENDA REPORT

DATE: APRIL 4, 2008

TO: MAYOR AND TOWN COUNCIL

FROM: GREG LARSON, TOWN MANAGER

A handwritten signature in black ink, appearing to be "Greg Larson".

SUBJECT: PPW JOB NO. 06-09 – FY 2006-07 CDBG FUNDED ADA IMPROVEMENT PROJECT 421-821-2601

ADOPT RESOLUTION ACCEPTING WORK OF SANTA CLARA VALLEY CORPORATION 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 Santa Clara Valley Corporation and authorizing the Town Manager to execute Certificate of Acceptance and Notice of Completion for recording by the Clerk Administrator.

### BACKGROUND:

This project funded the remodelling of two restrooms in the Town-owned building occupied by the Los Gatos-Saratoga Recreation Department to bring this facility into compliance with the Americans with Disability Act (ADA). This project addressed deficiencies by replacing substandard fixtures and reallocating/reorienting space consistent with the Town's goals to improve public health and safety and to meet the eligibility requirements for this State grant program.

### DISCUSSION:

On May 21, 2007, The Town Council awarded the contract for this project to Santa Clara Valley Corporation. The contracted work has been completed by Santa Clara Valley Corporation 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: PS Assistant Town Manager OK Town Attorney  
\_\_\_\_ Clerk Administrator 6 Finance \_\_\_\_ Community Development

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MAYOR AND TOWN COUNCIL

SUBJECT: PPW JOB NO. 06-09 – FY 2006-07 CDBG FUNDED ADA IMPROVEMENT  
PROJECT 421-821-2601

APRIL 4, 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 Categorical Exempt (Section 15301c). A Notice of Exemption will not be filed.

FISCAL IMPACT:

The total project cost approved by Council was for \$54,100. The original Santa Clara Valley Corporation contract approved by Council was for \$49,500. Total expended under this contract was \$49,008. Other costs amounting to \$5,092 were incurred to cover professional services and equipment rentals. This project was completed within the authorized budget.

ADA 421-821-2601 (ADA-Rec-Bldg)	Project Budget	Actual Expended	FY 2007-08 Available Balance	Funding Source
Prior Years	\$ 2,218	\$ 2,218		CDBG
FY 2007-08	\$ 51,882	\$ 51,882		CDBG
Total	\$ 54,100	\$ 54,100	\$ -	
FY 2007-08 Expenditure Detail				
Compliance Consultant	\$ 2,058	\$ 2,550	492	CDBG
Equipment Rental	\$ 324	\$ 324	-	CDBG
Santa Clara Valley Corporation Contract	\$ 49,500	\$ 49,008	(492)	CDBG
Total	\$ 51,882	\$ 51,882	\$ -	

Attachments:

Resolution accepting work of Santa Clara Valley Corporation (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 SANTA CLARA VALLEY CORPORATION  
FOR PPW JOB NO. 06-09  
CDBG FUNDED ADA IMPROVEMENT PROJECT  
AND AUTHORIZING THE TOWN MANAGER TO EXECUTE  
CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION  
FOR RECORDING BY CLERK ADMINISTRATOR**

**WHEREAS**, on May 21, 2007, the Town Council awarded a contract for PPW Job No. 06-09 – CDBG Funded ADA Improvement Project to Santa Clara Valley Corporation as the lowest responsible bidder; and

**WHEREAS**, Santa Clara Valley Corporation 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 Santa Clara Valley Corporation shall remain in place for two years until April 21, 2010 to guarantee the work; and

**WHEREAS**, the work on PPW Job No. 06-09 – CDBG Funded ADA Improvement 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 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

**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. 06-09 – CDBG FUNDED ADA IMPROVEMENT PROJECT**

TO WHOM IT MAY CONCERN:

We do hereby certify that **Santa Clara Valley Corporation** substantially completed the work on March 3, 2008, called for in the agreement with the Town of Los Gatos dated **June 26, 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. 06-09 – CDBG Funded ADA Improvement Project located in the TOWN OF LOS GATOS, County of Santa Clara, State of California and was completed, approved and accepted **April 21, 2008**.

The Surety accompanying the contract/agreement is the Travelers Casualty and Insurance Company of America.

Bond No.: 104922426  
Date: 5/29/07

TOWN OF LOS GATOS

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

By: \_\_\_\_\_  
Town Manager

Acknowledgement Required

**AFFIDAVIT**  
**To Accompany Certificate of Acceptance and Notice of Completion**  
**PPW Job No. 06-09**  
**CDBG Funded ADA Improvement 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. 06-09 – CDBG Funded ADA Improvement 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. 06-09 – CDBG Funded ADA Improvement Project

**Number of Pages:** 1

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

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