



MEETING DATE: 9/15/08

ITEM NO: 9

COUNCIL AGENDA REPORT

DATE: SEPTEMBER 10, 2008

TO: MAYOR AND TOWN COUNCIL

FROM: GREG LARSON, TOWN MANAGER

SUBJECT: PPW JOB NO. 07-17 - FISCAL YEAR 08-09 – CURB, GUTTER, AND
SIDEWALK REPLACEMENT PROJECT 411-813-9921

- A. ADOPT RESOLUTION DECLARING GOLDEN BAY CONSTRUCTION COMPANY TO BE THE LOWEST RESPONSIBLE BIDDER ON THE PROJECT AND AWARD A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$165,585.
- B. AUTHORIZE STAFF TO EXECUTE FUTURE CHANGE ORDERS TO THE CONSTRUCTION CONTRACT AS NECESSARY UP TO AN AMOUNT OF \$16,000.

RECOMMENDATION:

1. Adopt resolution (Attachment 1) declaring Golden Bay Construction Company to be the lowest responsible bidder on the project and award a construction contract (Exhibit A) in the amount of \$165,585.
2. Authorize staff to execute future change orders to the construction contract as necessary up to an amount of \$16,000.

BACKGROUND:

The adopted Capital Improvement Program designates funding for curb, gutter, and sidewalk replacement projects and is consistent with the Town's goals to improve public safety and to improve the quality of Town streets.

This project will repair and replace 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 and various service calls the Town receives from the residents. In conjunction with the replacement of damaged concrete, tree roots are also pruned and root barrier placed to minimize further damage to new curb, gutter, and sidewalks.

PREPARED BY: TODD CAPURSO
Director of Parks and Public Works

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

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DISCUSSION:

On August 18, 2008, the Town Council approved plans and specifications for the Curb, Gutter, and Sidewalk Replacement Project and authorized staff to advertise the project for bids.

On September 10, 2008, four (4) bids were received for this project. See Bid Summary (Attachment 2). Staff reviewed the bids received and has determined that Golden Bay Construction Company 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 Golden Bay Construction Company to be the lowest responsible bidder on the project and award a construction contract to this company in the amount of \$165,585.

Further, it is recommended that Council authorize staff to execute future change orders to the construction contract up to an amount of \$16,000 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 October 2008.

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:

The Curb, Gutter, and Sidewalk Replacement Project 411-813-9921 was approved by Council on August 18, 2008. Sufficient funds are available for the proposed agreement as detailed below:

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CURB, GUTTER, AND SIDEWALK REPLACEMENT PROJECT 411-813-9921					
FY 2008/09 Fiscal Impact	FY 2008/09 Budget & CarryForward	Expended/ Encumbered To Date	Available Balance	Proposed Contract Amount	Remaining Budget If Approved
Project: 411-813-9921	\$ 244,884	\$ 25,653	\$ 219,231	\$ 181,585	\$ 37,646
TOTALS	\$ 244,884	\$ 25,653	\$ 219,231	\$ 181,585	\$ 37,646
TOTAL EXPENDITURES BY CATEGORY:					
Staff Labor					
Materials					
Engineering Design					
Construction		\$ 25,653		\$ 165,585	
Contingency				16,000	
TOTALS		\$ 25,653		\$ 181,585	

Attachments:

1. Resolution declaring Golden Bay Construction Company 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
GOLDEN BAY CONSTRUCTION COMPANY
FOR PPW JOB NO. 07-17
FISCAL YEAR 08-09 – CURB, GUTTER, AND
SIDEWALK REPLACEMENT PROJECT**

WHEREAS, bids were sought in conformance with State and Town law for PPW Job No. 07-17 – Curb, Gutter, and Sidewalk Replacement Project; and

WHEREAS, Golden Bay Construction Company submitted a bid which the Town Council deems to be responsive to the Town's solicitation; and

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Los Gatos, County of Santa Clara, State of California, that Golden Bay Construction Company is declared to be the lowest responsible bidder for PPW Job No. 07-17 – Curb, Gutter, and Sidewalk Replacement Project; and

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 \$165,585.

BE IT FURTHER RESOLVED, that staff is authorized to execute future change orders, as necessary, up to an amount of \$16,000.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 15th day of September, 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 **Golden Bay 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. 07-17 – Curb, Gutter, and Sidewalk Replacement 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 (one hundred sixty five thousand five hundred eighty five dollars) **\$165,585**, 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 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 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:

Golden Bay Construction Company

Greg Larson, Town Manager

(Signature)

RECOMMENDED BY:

(Print Name)

Todd Capurso
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
Curb, Gutter & Sidewalk Repair & Replacement Project #07-17
Certified Bid Tabulation Bid opening: September 10, 2008 at 10:30 A.M. at the Civic Center

				Engineers Estimate		Golden Bay Construction, Inc.		CB Construction		Duran & Venables		Joseph J. Albanese	
						3826 Depot Rd Hayward, CA 94545-2722		641 University Av. Los Gatos, CA 95032		748 South Hillview Dr. Milpitas, CA 95035		PO Box 667 Santa Clara, CA 95052-0667	
Item No.	Description	Quantity	Unit	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost
1	R&R Sidewalk	7,250	SF	12.90	93,525.00	9.00	65,250.00	12.20	88,450.00	8.80	63,800.00	13.10	94,975.00
2	R&R Curb & Gutter	315	LF	45.00	14,175.00	58.50	18,427.50	47.00	14,805.00	36.00	11,340.00	59.60	18,774.00
3	R&R Valley Gutter	1,025	LF	45.00	46,125.00	55.50	56,887.50	43.00	44,075.00	51.76	53,054.00	45.00	46,125.00
4	Root Prune	41	EA	175.00	7,175.00	65.00	2,665.00	125.00	5,125.00	200.00	8,200.00	50.00	2,050.00
5	R&R Asphalt	890	SF	9.50	8,455.00	9.50	8,455.00	8.00	7,120.00	28.00	24,920.00	16.70	14,863.00
6	R&R Ramps	2	EA	3,000.00	6,000.00	3,200.00	6,400.00	2,500.00	5,000.00	3,500.00	7,000.00	4,000.00	8,000.00
7	R&R Brick Bands	100	LF	40.00	4,000.00	45.00	4,500.00	25.00	2,500.00	66.76	6,676.00	95.00	9,500.00
8	Grind Sidewalks	20	EA	40.00	800.00	150.00	3,000.00	34.00	680.00	285.00	5,700.00	500.00	10,000.00
					180,255.00		165,585.00		167,755.00		180,690.00		204,287.00

This certifies that all bids were received and opened on September 10, 2008, and that this is a copy of the bid tabulation with bids corrected for errors in addition & multiplication. By:

Kourosh Rohani

