



MEETING DATE: 9/15/08

ITEM NO: 11

## COUNCIL AGENDA REPORT

DATE: SEPTEMBER 10, 2008

TO: MAYOR AND TOWN COUNCIL

FROM: GREG LARSON, TOWN MANAGER 

SUBJECT: PPW JOB NO. 07-21 – SURFACE AND BASE REPAIR, MANHOLE, AND VALVE ADJUSTMENT TO GRADE PROJECT 411-811-9901

- A. ADOPT RESOLUTION DECLARING JOSEPH J. ALBANESE, INC. TO BE THE LOWEST RESPONSIBLE BIDDER ON THE PROJECT AND AWARD A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$204,045.
- B. AUTHORIZE STAFF TO EXECUTE FUTURE CHANGE ORDERS TO THE CONSTRUCTION CONTRACT AS NECESSARY UP TO AN AMOUNT OF \$20,000.


### RECOMMENDATION:

1. Adopt resolution (Attachment 1) declaring Joseph J. Albanese, Inc. to be the lowest responsible bidder on the project and award a construction contract (Exhibit A) in the amount of \$204,045.
2. Authorize staff to execute future change orders to the construction contract as necessary up to an amount of \$20,000.




### BACKGROUND:

The adopted Capital Improvement Program designates funding for various street repairs and resurfacing projects and is consistent with the Town's goals to improve public safety and to improve the quality of Town streets.

The scope of the base repair will involve the grinding and removal of failed surface and base, placing a new layer of asphalt to complete the repair, and the adjustment of various manholes and water valves on the streets. This approach will provide durability and performance and a smooth riding surface for motorists.

  
PREPARED BY: TODD CAPURSO  
Director of Parks and Public Works

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Reviewed by:  Assistant Town Manager  Town Attorney  
\_\_\_\_ Clerk Administrator  Finance \_\_\_\_ Community Development

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MAYOR AND TOWN COUNCIL

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VALVE ADJUSTMENT TO GRADE PROJECT 411-811-9901

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DISCUSSION:

On August 18, 2008, the Town Council approved plans and specifications for the Surface and Base Repair, Manhole and Valve Adjustment to Grade Project and authorized staff to advertise the project for bids.

On September 10, 2008, two (2) bids were received for this project. See Bid Summary (Attachment 2). Staff reviewed the bids received and has determined that Joseph J. Albanese, Inc. 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 Joseph J. Albanese, Inc. to be the lowest responsible bidder on the project and award a construction contract to this company in the amount of \$204,045.

Further, it is recommended that Council authorize staff to execute future change orders to the construction contract up to an amount of \$20,000 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 Surface and Base Repair, Manhole and Valve Adjustment to Grade Project (411-811-9901) was approved by Council on August 18, 2008. Sufficient funds are available for the proposed agreement as detailed below:

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MAYOR AND TOWN COUNCIL

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VALVE ADJUSTMENT TO GRADE PROJECT 411-811-9901

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STREET REPAIR & RESURFACING PROJECT 411-811-9901					
<u>FY 2008/09 Fiscal Impact</u>	<u>FY 2008/09 Budget &amp; CarryForward</u>	<u>Expended/ Encumbered To Date</u>	<u>Available Balance</u>	<u>Proposed Contract Amount</u>	<u>Remaining Budget If Approved</u>
Project: 411-811-9901	\$ 1,312,428	\$ 6,150	\$ 1,306,278		\$ 1,306,278
481-811-9901	693,224		693,224	\$ 224,045	469,179
<b>TOTALS</b>	<b>\$ 2,005,652</b>	<b>\$ 6,150</b>	<b>1,999,502</b>	<b>\$ 224,045</b>	<b>\$ 1,775,457</b>
<b>TOTAL EXPENDITURES BY CATEGORY:</b>					
Staff Labor					
Materials					
Engineering Design					
Construction		\$ 6,150		\$ 204,045	
Contingency				20,000	
<b>TOTALS</b>		<b>\$ 6,150</b>		<b>\$ 224,045</b>	

Attachments:

1. Resolution declaring Joseph J. Albanese, Inc. 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  
JOSEPH J. ALBANESE, INC.  
FOR PPW JOB NO. 07-21  
SURFACE AND BASE REPAIR, MANHOLE  
AND VALVE ADJUSTMENT TO GRADE PROJECT

Attachment 1

## **CONTRACT**

**THIS AGREEMENT** is between the **Town of Los Gatos** (hereinafter referred to as ("Owner")) and **Joseph J. Albanese, Inc.** 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. 07-21 – Surface and Base Repair, Manhole and Valve Adjustment to Grade 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 (two hundred four thousand and forty five dollars) **\$204,045**, 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 **(40) 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:**  
Joseph J. Albanese, Inc.

\_\_\_\_\_  
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**

**Digout Repair & Raising Irons Project #07-21**

**Certified Bid Tabulation Bid opening: September 10, 2008 at 11:00 A.M. at the Civic Center**

				Engineers Estimate		Joseph J. Albanese PO Box 667 Santa Clara, CA 95052-0667		Duran & Venables 748 South Hillview Dr. Milpitas, CA 95035	
Item No.	Description	Quantity	Unit	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost
1	Digout Repair	27,000	SF	6.00	162,000.00	6.50	175,500.00	6.80	183,600.00
2	Raise Manholes	28	EA	400.00	11,200.00	600.00	16,800.00	440.00	12,320.00
3	Raise Monuments	13	EA	200.00	2,600.00	365.00	4,745.00	330.00	4,290.00
4	Regent Dr. Pathway	1	LS	7,500.00	7,500.00	7,000.00	7,000.00	5,900.00	5,900.00
					<b>183,300.00</b>		204,045.00		206,110.00

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:

*Kevin Rohani*



Exhibit A