



MEETING DATE: 10/6/08

ITEM NO:

5

COUNCIL/AGENCY AGENDA REPORT

DATE: SEPTEMBER 17, 2008

TO: MAYOR AND TOWN COUNCIL/
CHAIR AND MEMBERS OF THE REDEVELOPMENT AGENCY

FROM: GREG LARSON, TOWN MANAGER/EXECUTIVE DIRECTOR

SUBJECT: PPW JOB NO. 07-20 – UNIVERSITY AVENUE STREET REPAVING PROJECT
(FROM MULLEN AVENUE TO MAIN STREET) PROJECT 911-812-0105
ADOPT RESOLUTION ACCEPTING WORK OF JOSEPH J. ALBANESE,
INC. AND AUTHORIZING THE TOWN MANAGER/EXECUTIVE
DIRECTOR TO EXECUTE CERTIFICATE OF ACCEPTANCE AND NOTICE
OF COMPLETION FOR RECORDING BY THE CLERK
ADMINISTRATOR/SECRETARY OF THE REDEVELOPMENT AGENCY

RECOMMENDATION:

Adopt resolution accepting work of Joseph J. Albanese, Inc. and authorizing the Town Manager/Executive Director to execute Certificate of Acceptance and Notice of Completion for recording by the Clerk Administrator/Secretary of the Redevelopment Agency.

BACKGROUND:

This project involved the removal of the existing asphalt surface, making needed repairs to the base, and placing a new asphalt overlay on University Avenue from Mullen Avenue to Main Street. This was the last section of street resurfacing in the downtown area that started 4 years ago.

DISCUSSION:

On August 4, 2008, The Town Council/Redevelopment Agency awarded the contract for this work to Joseph J. Albanese, Inc. The contracted work has been completed by Joseph J. Albanese, Inc. and is accepted by the Parks and Public Works Department.

PREPARED BY: TODD CAPURSO
Director of Parks and Public Works

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Reviewed by: MS Assistant Town Manager/Deputy Director OK Town Attorney/General
Counsel _____ Clerk Administrator/Secretary SC Finance _____ Community Development

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MAYOR AND TOWN COUNCIL/

CHAIR AND MEMBERS OF THE REDEVELOPMENT AGENCY

SUBJECT: PPW JOB NO. 07-20 – UNIVERSITY AVENUE STREET REPAVING PROJECT
(FROM MULLEN AVENUE TO MAIN STREET) PROJECT 911-812-0105)

SEPTEMBER 17, 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/Agency approve the Certificate of Acceptance and Notice of Completion for recording by the Clerk Administrator/Secretary of the Redevelopment Agency.

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 original contract approved by Council was for \$80,250 with a contingency budget of \$20,000 for a total project budget of \$100,250. This project was completed for \$99,682 on time and under the approved budget.

UNIVERSITY AVENUE STREET REPAVING PROJECT 911-812-0105			
<u>FY 2008/09 Fiscal Impact</u>	<u>Available Budget Funding</u>	<u>Expended/ Encumbered To Date</u>	<u>Available Balance</u>
Project 911-812-0105	\$ 93,250	\$ 92,682	\$ 568
Project 411-812-0105	7,000	7,000	
TOTALS	\$ 100,250	\$ 99,682	\$568

Attachments:

Resolution accepting work of Joseph J. Albanese, Inc. (with Exhibit A) Certificate of Acceptance and Notice of Completion.

RESOLUTION

**RESOLUTION OF THE TOWN COUNCIL/REDEVELOPMENT AGENCY
OF THE TOWN OF LOS GATOS
ACCEPTING WORK OF JOSEPH J. ALBANESE, INC.
PPW JOB NO. 07-20
UNIVERSITY AVENUE STREET REPAVING PROJECT
(FROM MULLEN AVENUE TO MAIN STREET)
AND AUTHORIZING THE TOWN MANAGER/EXECUTIVE DIRECTOR TO EXECUTE
CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION
FOR RECORDING BY CLERK ADMINISTRATOR/
SECRETARY OF THE REDEVELOPMENT AGENCY**

WHEREAS, on August 4, 2008, the Town Council/Redevelopment Agency awarded a contract for PPW Job No. 07-20 – University Avenue Street Repaving Project (from Mullen Avenue to Main Street) to Joseph J. Albanese, Inc. as the lowest responsible bidder; and

WHEREAS, Joseph J. Albanese, Inc. substantially completed the project in conformance with the Town's bid process and pursuant to Council/Redevelopment Agency approval; and

WHEREAS, ten percent of the performance bond provided by Joseph J. Albanese, Inc. shall remain in place for two years until October 6, 2010 to guarantee the work; and

WHEREAS, the work on PPW Job No. 07-20 – University Avenue Street Repaving Project (from Mullen Avenue to Main Street) is hereby accepted as complete pursuant to the plans and specifications for the project.

NOW THEREFORE BE IT RESOLVED, that the Town Manager/Executive Director 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/Secretary of the Redevelopment Agency 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/Redevelopment Agency of the Town of Los Gatos, California, held on the 6th day of October, 2008 by the following vote.

COUNCIL/AGENCY MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR/CHAIR OF THE REDEVELOPMENT AGENCY
LOS GATOS, CALIFORNIA

ATTEST:

CLERK ADMINISTRATOR/SECRETARY OF THE REDEVELOPMENT AGENCY
LOS GATOS, CALIFORNIA

RECORDING REQUESTED BY:

TOWN OF LOS GATOS

PLEASE RECORD AND RETURN TO:

Clerk Administrator/Secretary
P.O. Box 949
Los Gatos, CA 95031

CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION
PPW JOB NO. 07-20 – UNIVERSITY AVENUE STREET REPAVING PROJECT
(FROM MULLEN AVENUE TO MAIN STREET)

TO WHOM IT MAY CONCERN:

We do hereby certify that **Joseph J. Albanese, Inc.** substantially completed the work on August 28, 2008, called for in the agreement with the Town of Los Gatos dated August 8, 2008. 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. 07-20 – University Avenue Street Repaving Project (from Mullen Avenue to Main Street) located in the TOWN OF LOS GATOS, County of Santa Clara, State of California and was completed, approved and accepted **October 6, 2008.**

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

Bond No.: 105136668
Date: 8/8/08

TOWN OF LOS GATOS

By: _____
Director of Parks and Public Works

By: _____
Town Manager/Executive Director

Acknowledgement Required

AFFIDAVIT
To Accompany Certificate of Acceptance and Notice of Completion
PPW Job No. 07-20
University Avenue Street Repaving Project (from Mullen Avenue to Main Street)

I, **GREG LARSON**, the Town Manager/Executive Director 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/EXECUTIVE DIRECTOR
Town of Los Gatos

RECOMMENDED BY:

Director of Parks and Public Works

Date: _____

APPROVED AS TO FORM:

Town Attorney/General Counsel

Date: _____

Notary Jurat Required

ACKNOWLEDGEMENT

State of California
County of Santa Clara

On _____ before me, **JACKIE ROSE, NOTARY PUBLIC**, personally appeared **TODD CAPURSO** 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. 07-20 – University Avenue Street Repaving Project
(from Mullen Avenue to Main Street)

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. 07-20 – University Avenue Repaving Project (from Mullen Avenue to Main Street)

Number of Pages: 1

Date of Document: _____

Signers Other than Named Above: Todd Capurso and Orry Korb