



MEETING DATE: 12/1/08

ITEM NO:

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## COUNCIL AGENDA REPORT

DATE: NOVEMBER 12, 2008

TO: MAYOR AND TOWN COUNCIL

FROM: GREG LARSON, TOWN MANAGER

SUBJECT: PPW JOB NO. 07-19 – SHANNON ROAD CULVERT IMPROVEMENT  
PROJECT 461-816-0403

- A. ADOPT RESOLUTION ACCEPTING WORK OF JOSEPH J. ALBANESE, INC. AND AUTHORIZING THE TOWN MANAGER TO EXECUTE CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION FOR RECORDING BY THE CLERK ADMINISTRATOR.
- B. AUTHORIZE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$1,325 TO THE SHANNON ROAD CULVERT IMPROVEMENT PROJECT.

### RECOMMENDATION:

1. Adopt resolution accepting work of Joseph J. Albanese, Inc. and authorizing the Town Manager to execute Certificate of Acceptance and Notice of Completion for recording by the Clerk Administrator.
2. Authorize a budget adjustment in the amount of \$1,325 to the Shannon Road Culvert project.

### BACKGROUND:

During the winter storms of early January 2008, there was damage done to Town infrastructure and facilities, including damaged trails, retaining walls, storm drain pipes, street embankments, and other park facilities.

### DISCUSSION:

This project replaced a damaged storm drain pipe under Shannon Road. This storm drain pipe was an old corrugated metal pipe that was severely eroded and washed out due to the heavy rains. This installation consists of a high density polyethylene pipe which will not rust and has superior hydraulic performance.

PREPARED BY: TODD CAPURSO  
Director of Parks and Public Works

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

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MAYOR AND TOWN COUNCIL

SUBJECT: PPW JOB NO. 07-19 – SHANNON ROAD CULVERT IMPROVEMENT  
PROJECT 461-816-0403

NOVEMBER 12, 2008

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

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 the Council approve the budget adjustment, as well as 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 Categorically Exempt (Section 15301c). A Notice of Exemption will not be filed.

FISCAL IMPACT:

The original contract approved by Council was for \$49,925. The project was completed for \$51,248. The approved budget was exceeded due to the cost of filing paperwork for the State and County compliance for this project. Sufficient funds are available in the Storm Drain Fund 461 to cover these costs.

Shannon Road Culvert Improvement Project PROJECT 461-816-0403			
FY 2008/09 Fiscal Impact	Available Budget Funding	Expended/ Encumbered To Date	Available Balance
Project 461-816-0403	\$ 49,925	\$ 51,248	\$ (1,323)
<b>TOTALS</b>	<b>\$ 49,925</b>	<b>\$ 51,248</b>	<b>\$ (1,323)</b>
<b>TOTAL EXPENDITURES BY CATEGORY:</b>			
Staff Labor			
State & County Compliance		\$ 1,323	
Engineering/Design			
Construction		49,925	
Contingency			
<b>TOTALS</b>		<b>\$ 51,248</b>	

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  
OF THE TOWN OF LOS GATOS  
ACCEPTING WORK OF JOSEPH J. ALBANESE, INC. FOR  
PPW JOB NO. 07-19  
SHANNON ROAD CULVERT IMPROVEMENT PROJECT  
AND AUTHORIZING THE TOWN MANAGER TO EXECUTE  
CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION  
FOR RECORDING BY CLERK ADMINISTRATOR**

**WHEREAS**, on August 4, 2008, the Town Council awarded a contract for PPW Job No. 07-19 – Shannon Road Culvert Improvement Project 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 approval; and

**WHEREAS**, ten percent of the performance bond provided by Joseph J. Albanese, Inc. shall remain in place for two years until December 1, 2010 to guarantee the work; and

**WHEREAS**, the work on PPW Job No. 07-19 – Shannon Road Culvert 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 1st day of December, 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. 07-19 – SHANNON ROAD CULVERT IMPROVEMENT PROJECT**

TO WHOM IT MAY CONCERN:

We do hereby certify that **Joseph J. Albanese, Inc.** substantially completed the work on October 24, 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. 07-19 – Shannon Road Culvert Improvement Project located in the TOWN OF LOS GATOS, County of Santa Clara, State of California and was completed, approved and accepted **December 1, 2008**.

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

Bond No.: 105136669  
Date: August 8, 2008

TOWN OF LOS GATOS

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

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

Acknowledgement Required

EXHIBIT A

**AFFIDAVIT**  
**To Accompany Certificate of Acceptance and Notice of Completion**  
**PPW Job No. 07-19**  
**Shannon Road Culvert 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:**

\_\_\_\_\_  
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 **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. 07-19 – Shannon Road Culvert 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. 07-19 – Shannon Road Culvert Improvement Project.

**Number of Pages:** 1

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

**Signers Other than Named Above:** Todd Capurso and Orry Korb