



MEETING DATE: 12/1/08

ITEM NO: 3

COUNCIL AGENDA REPORT

DATE: NOVEMBER 12, 2008

TO: MAYOR AND TOWN COUNCIL

FROM: GREG LARSON, TOWN MANAGER *Greg Larson*

SUBJECT: PPW JOB NO. 07-10 – FISCAL YEAR 2008-09 – RETAINING WALL REPLACEMENT PROJECT AT UNIVERSITY AVENUE AND WOODED VIEW DRIVE PROJECT 411-815-9930

ADOPT RESOLUTION ACCEPTING WORK OF CASEY CONSTRUCTION COMPANY 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 Casey Construction Company and authorizing the Town Manager to execute Certificate of Acceptance and Notice of Completion for recording by the Clerk Administrator.

BACKGROUND:

The adopted Capital Improvement Program designates funding for retaining wall projects and is consistent with the Town's goals to improve public safety.

DISCUSSION:

This project repaired and replaced two failed retaining walls on University Avenue and Wooded View Drive. Two sections of the retaining wall along University Avenue across Vasona Lake failed last winter. Replacement of these walls was necessary due to the large embankment which is above the road and failure of this hillside embankment would cause severe damage to University Avenue.

A handwritten signature of Todd Capurso in black ink.

PREPARED BY: TODD CAPURSO
Director of Parks and Public Works

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

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MAYOR AND TOWN COUNCIL

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REPLACEMENT PROJECT AT UNIVERSITY AVENUE AND WOODED
VIEW DRIVE PROJECT 411-815-9930

NOVEMBER 12, 2008

On September 15, 2008, The Town Council awarded the contract for this work to Casey Construction Company. The contracted work has been completed by Casey Construction Company and is 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 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 Categorically Exempt (Section 15301c). A Notice of Exemption will not be filed.

FISCAL IMPACT:

The original contract approved by Council to Casey Construction was \$169,679, with a contingency budget of \$16,000, for a total project budget of \$185,679. The Casey Construction contract was completed for \$169,679.

Design services for the University Avenue and Wooded View Drive Retaining Wall Replacement Project, in the amount of \$6,096, were expended in FY 2007/08.

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**FY 08/09 Retaining Wall Replacement Project
University Avenue and Wooded View Drive
PROJECT 411-815-9930**

FY 2008/09Fiscal Impact	Available Budget Funding	Expended/ Encumbered To Date	Available Balance
Project 411-815-9930	\$ 567,473	\$ 175,775	\$ 391,698
TOTALS	\$ 567,473	\$ 175,775	\$ 391,698

TOTAL EXPENDITURES BY CATEGORY:

Staff Labor

Materials

\$106

Engineering/Design (Biggs Cardoso)

5,990

Construction (Casey Construction)

169,679

Contingency

TOTALS

\$ 175,775

Attachments:

Resolution accepting work of Casey Construction Company (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 CASEY CONSTRUCTION COMPANY FOR
PPW JOB NO. 07-10 - FISCAL YEAR 2008-09
RETAINING WALL REPLACEMENT PROJECT
AT UNIVERSITY AVENUE AND WOODED VIEW DRIVE
AND AUTHORIZING THE TOWN MANAGER TO EXECUTE
CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION
FOR RECORDING BY CLERK ADMINISTRATOR**

WHEREAS, on September 15, 2008, the Town Council awarded a contract for PPW Job No. 07-10 – Retaining Wall Replacement Project at University Avenue and Wooded View Drive Project to Casey Construction Company as the lowest responsible bidder; and

WHEREAS, Casey Construction Company 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 Casey Construction Company shall remain in place for two years until December 1, 2010 to guarantee the work; and

WHEREAS, the work on PPW Job No. 07-10 – Retaining Wall Replacement Project at University Avenue and Wooded View Drive 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. 07-10 – RETAINING WALL REPLACEMENT PROJECT AT
UNIVERSITY AVENUE AND WOODED VIEW DRIVE**

TO WHOM IT MAY CONCERN:

We do hereby certify that **Casey Construction Company** substantially completed the work on November 4, 2008, called for in the agreement with the Town of Los Gatos dated September 29, 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. 07-10 – Retaining Wall Replacement Project at University Avenue and Wooded View Drive 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 International Fidelity Insurance Company.

Bond No.: 0469006
Date: 9/22/08

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. 07-10
Retaining Wall Replacement Project at University Avenue and Wooded View Drive

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. 07-10 – Retaining Wall Replacement Project at
University Avenue and Wooded View Drive

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. 07-10 – Retaining Wall Replacement Project at University Avenue and Wooded view Drive.

Number of Pages: 1

Date of Document: _____

Signers Other than Named Above: Todd Capurso and Orry Korb