



MEETING DATE: 6/15/09

ITEM NO:

12

COUNCIL AGENDA REPORT

DATE: MAY 29, 2009

TO: MAYOR AND TOWN COUNCIL

FROM: GREG LARSON, TOWN MANAGER

SUBJECT: PPW JOB NO. 09-05 – FY 2008/09 CDBG FUNDED ADA IMPROVEMENTS
ADOPT A RESOLUTION ACCEPTING THE WORK OF CB
CONSTRUCTION COMPANY AND AUTHORIZING THE TOWN
MANAGER TO EXECUTE A CERTIFICATE OF ACCEPTANCE AND
NOTICE OF COMPLETION FOR RECORDING BY THE CLERK
ADMINISTRATOR

RECOMMENDATION:

Adopt a Resolution accepting the work of CB Construction Company and authorizing the Town Manager to execute a Certificate of Acceptance and Notice of Completion for recording by the Clerk Administrator.

BACKGROUND:

This project successfully installed wheelchair accessibility ramps at various street intersections in compliance with the American with Disability Act (ADA). This is consistent with the Town's goals to improve public health and safety and meets the eligibility requirements for the federal CDBG grant program.

DISCUSSION:

On March 16, 2009, the Town Council awarded a contract for this project to CB Construction Company.

The contracted work has been satisfactorily completed by CB Construction Company and is accepted by the Parks and Public Works Department.

PREPARED BY: TODD CAPURSO
Director of Parks and Public Works

Reviewed by: TS Assistant Town Manager OX Town Attorney
____ Clerk Administrator SC Finance ____ Community Development

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MAY 29, 2009

MAYOR AND TOWN COUNCIL

SUBJECT: PPW JOB NO. 09-05 – FY 2008/09 CDBG FUNDED ADA IMPROVEMENTS PROJECT

(DISCUSSION cont'd)

Ten percent of the faithful performance bond will remain in effect for a period of two years to guarantee any needed repair 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 the Town Council adopt a Resolution accepting the work of CB Construction Company and authorize the Town Manager to execute a 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 agreement approved by Council was for an amount of \$39,805. There was an additional authorized contingency amount of \$5,000, bringing the total overall authorized budget to \$44,805.

The project was completed for \$43,995 which is within the total authorized budget.

Attachments:

Resolution accepting the work of CB Construction Company and authorizing the Town Manager to execute a Certificate of Acceptance and Notice of Completion.

RESOLUTION

RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
ACCEPTING THE WORK OF REPUBLIC ITS
FOR PPW JOB NO. 09-05
FY 2008/09 CDBG FUNDED ADA IMPROVEMENT PROJECT
AND AUTHORIZING THE TOWN MANAGER TO EXECUTE
A CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION
FOR RECORDING BY CLERK ADMINISTRATOR

WHEREAS, on March 16, 2009, the Town Council awarded a contract for the FY 2008/09 CDBG funded ADA improvement Project - PPW Job No. 09-05 to CB Construction Company as the lowest responsible bidder; and

WHEREAS, CB 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 CB Construction Company shall remain in place for two years until June 15, 2011 to guarantee the work; and

WHEREAS, the work on PPW Job No. 09-05 – FY 2008/09 CDBG funded ADA 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

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 15th day of June, 2009 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. 09-05 – FY 2008/09 CDBG FUNDED ADA IMPROVEMENT PROJECT

TO WHOM IT MAY CONCERN:

We do hereby certify that **CB Construction Company** substantially completed the work on May 29, 2009, called for in the agreement with the Town of Los Gatos dated **March 16, 2009**. 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. 09-05 – FY 2008/09 CDBG funded ADA improvement project located in the TOWN OF LOS GATOS, County of Santa Clara, State of California and was completed, approved and accepted **June 15, 2009**.

The Surety accompanying the contract/agreement is Nationwide Mutual Insurance Co.

Date: February 25, 2009

TOWN OF LOS GATOS

By: _____
Todd Capurso, Director
Parks and Public Works

By: _____
Greg Larson, Town Manager

Acknowledgement Required

AFFIDAVIT
To Accompany Certificate of Acceptance and Notice of Completion
PPW Job No. 09-05
FY 2008/09 CDBG funded ADA 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 _____, 2009 at Los Gatos, California.

GREG LARSON, TOWN MANAGER
Town of Los Gatos

RECOMMENDED BY:

Todd Capurso
Director of Parks and Public Works

Date: _____

APPROVED AS TO FORM:

Orry P. Korb
Town Attorney

Date: _____

Notary Jurat Required