



COUNCIL AGENDA REPORT

DATE: NOVEMBER 30, 2005
TO: MAYOR AND TOWN COUNCIL
FROM: DEBRA J. FIGONE, TOWN MANAGER

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SUBJECT: AWARD OF CONSTRUCTION CONTRACT FOR PROJECT 05-18 - 25 FIESTA WAY ANNEX ADA IMPROVEMENTS

- A. ADOPT RESOLUTION DECLARING GKI CONSTRUCTION AND DEVELOPMENT TO BE THE LOWEST RESPONSIBLE BIDDER ON THE PROJECT AND AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$63,500.
B. AUTHORIZE STAFF TO ISSUE CHANGE ORDERS TO THE CONSTRUCTION CONTRACT UP TO AN AMOUNT OF \$5,000.
C. AUTHORIZE TRANSFER OF \$5,250 FROM BUILDING MAINTENANCE FUND 6695 TO 400-0539-49695.
D. AUTHORIZE BUDGET ADJUSTMENT TO INCREASE APPROPRIATIONS IN AMOUNT OF \$5,250 IN ACCOUNT 400-0539-82002.
E. IF ADDITIONAL CDBG-ADA FUND SOURCE IS NOT APPROVED BY COUNTY AS ANTICIPATED, AUTHORIZE TRANSFER OF \$7,537 FROM BUILDING MAINTENANCE FUND 6695 TO 400-0539-49695.

RECOMMENDATION:

- 1. Adopt Resolution (Attachment 1) declaring GKI Construction and Development to be the lowest responsible bidder on the project and awarding a construction contract (Exhibit A) in the amount of \$63,500.
2. Authorize staff to issue change orders to the construction contract up to an amount of \$5,000.
3. Authorize transfer of \$5,250 from Building Maintenance Fund 6695, to 400-0539-49695.
4. Authorize budget adjustment to increase appropriations in the amount of \$5,250 in account 400-0539-82002.
5. If additional CDBG-ADA fund source is not approved by County as anticipated, authorize transfer of \$7,537 from Building Maintenance Fund 6695 to 400-0539-49695.

PREPARED BY: JOHN E. CURTIS
Director of Parks and Public Works

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

Revised: 11/30/05 9:41 am

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MAYOR AND TOWN COUNCIL

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NOVEMBER 30, 2005

BACKGROUND:

On September 6, 2005, Council approved the plans and specifications for the Fiesta Way Annex ADA Improvements authorizing staff to advertise the project for bids. This component of the project addresses the need to provide appropriate access for a public structure, as required or recommended by the Americans with Disabilities Act (ADA). Improvements include external sidewalk and driveway ramps and internal improvements to provide improved ADA access. This project will modify an existing Town-owned structure for use by Town staff for offices and meeting rooms.

The Town utilizes Community Development Block Grant (CDBG) ADA grants each year to construct various projects that improve the accessibility of public facilities in Town. Over the past three years, projects have been completed in the Civic Center complex and both museums in Town to enhance their accessibility for users.

DISCUSSION:

Bids for the Fiesta Way Annex ADA Improvements were received on November 9, 2005 and GKI Construction and Development was the lowest bidder for this project. (Attachment 2)

Staff has checked the bid received and has determined that GKI Construction and Development is responsible and its bid is responsive. It is recommended that the Council adopt the attached Resolution declaring GKI Construction and Development to be the lowest responsible bidder on the project and award a construction contract to this firm in the amount of \$63,500.

Further, it is recommended that the Council authorize staff to execute future Change Orders to the construction contract up to an amount of \$5,000. Given the variables associated with this type of construction, staff should be able to manage the construction work and 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 awarded contract. The construction of this project is anticipated to be completed by January 31, 2006.

CONCLUSION:

Staff recommends that the Council accept the staff recommendations noted above.

ENVIRONMENTAL ASSESSMENT:

This is a project as defined under CEQA but is Categorical Exempt (Section 15301c). A Notice of Exemption will not be filed.

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FISCAL IMPACT:

The ADA compliance work at 25 Fiesta Avenue was approved for funding with Federal Community Development Block Grant (CDBG) funds. The project cost estimate is \$63,500 with a \$5,000 contingency, bringing the total project budget to \$68,500. The current fiscal year balance available for this project is \$55,713. The remaining balance of \$14,561 will be allocated from two fund sources if authorized by Council: \$7,537 in prior year carry forward of ADA funds (as scheduled to be reported and recommended for transfer to this project on December 5, 2005 in a separate report to Council), and the remaining \$5,250 from the Building Maintenance unappropriated Fund Balance. If the County does not approve the \$7,537 CDBG allocation for this project, that amount funding will be drawn from the Building Maintenance unappropriated Fund Balance.

The project's budget is demonstrated as follows:

<b>CDBG ADA Improvements-25 Fiesta Way Engineering Project #05-18 (0539)</b>					
	<b>Available Budget Funding</b>	<b>Expended/ Encumbered To Date</b>	<b>Available Balance</b>	<b>Proposed Contract Amount</b>	<b>Remaining Budget If Approved</b>
<b>FY 2005/06 Fiscal Impact</b>					
Project 400/410-0539	86,422	30,709	55,713	55,713	-
Prior Year ADA Carry Forward			7,537	7,537	-
Budget Adjustment from 6695	-	-	5,250	5,250	-
<b>TOTALS</b>	<b>86,422</b>	<b>30,709</b>	<b>68,500</b>	<b>68,500</b>	<b>-</b>
<b>TOTAL EXPENDITURES BY CATEGORY:</b>					
Staff Labor		-			
Materials		-			
Engineering/Design					
Construction		-		63,500	-
Construction Management					-
Contingency		-		5,000	-
<b>TOTALS</b>				<b>68,500</b>	<b>-</b>

Attachments:

1. Resolution authorizing (Exhibit A) Construction Contract with GKI Construction and Development
2. Certified Bid Tabulation



## CONTRACT

THIS AGREEMENT is between the **Town of Los Gatos** (hereinafter referred to as "Owner") and **GKI Construction and Development** (hereinafter referred to as "Contractor"). Owner and Contractor, for the consideration hereinafter named, agree as follows:

### A. SCOPE OF WORK

Contractor shall furnish all materials and perform all of the work for the construction of **PROJECT #05-18 - 25 Fiesta Way ADA Improvements** 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 (sixty three thousand five hundred dollars) (\$63,500.00), 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 II, 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 therefrom.

**E. TIME OF COMPLETION**

The Work called for herein shall be fully completed within **TWENTY (20)** 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 therefrom 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:**

\_\_\_\_\_  
Debra J. Figone, Town Manager

\_\_\_\_\_

RECOMMEND BY:

\_\_\_\_\_  
John E. Curtis  
Director of Parks and Public Works

\_\_\_\_\_  
(Contractor's License Number)

APPROVED AS TO FORM:

\_\_\_\_\_  
Orry P. Korb, Town Attorney

**ATTEST:**

\_\_\_\_\_  
Marlyn Rasmussen, Clerk Administrator

Town of Los Gatos Parks and Public Works Department  
 ADA Improvements 25 Fiesta Way Project #05-18  
 Certified Bid Tabulation Bid opening: November 9, 2005 at 10:00 A.M. at the Civic Center

				Engineers Estimate		GKI Construction 579 E. Campbell Ave. Campbell, CA 95008		Joseph Albanese PO Box 667 Santa Clara, CA 95052		ESI 3353 De La Cruz Blvd. Santa Clara, CA 95054	
Item No.	Description	Quantity	Unit	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost
BASE BID SUMMARY											
1	ADA Improvements for 25 Fiesta Way	1	LS	90,000.00	90,000.00	63,500.00	63,500.00	89,106.00	89,106.00	115,900.00	115,900.00
BASE BID TOTAL					\$90,000.00		\$63,500.00		\$89,106.00		\$115,900.00

This certifies that all bids were received sealed and opened in my presence on November 9, 2005, and that this is a copy of the bid tabulation with bids corrected for errors in addition & multiplication. By:

Attachment 2