



MEETING DATE: 12/5/05

ITEM NO. 6

COUNCIL AGENDA REPORT

DATE: NOVEMBER 30, 2005
TO: MAYOR AND TOWN COUNCIL
FROM: DEBRA J. FIGONE, TOWN MANAGER
SUBJECT: PROJECT 04-16 - FY 2004-05 STREET REPAIR AND RESURFACING

[Handwritten signature]

- A. ADOPT RESOLUTION ACCEPTING WORK OF WESTERN STATES SURFACING, INC. AND AUTHORIZING THE TOWN MANAGER TO EXECUTE CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION FOR RECORDING BY THE CLERK ADMINISTRATOR.
B. AUTHORIZE INCREASE IN CONTRACT AMOUNT FROM \$1,012,262 TO \$1,102,147.
C. AUTHORIZE BUDGET REVENUE ADJUSTMENT OF \$102,360 TO PROJECT 400-0352 (\$82,297 FROM COST-SHARING REIMBURSEMENT AND REMAINING BALANCE OF \$20,063 TRANSFER FROM GFAR UNAPPROPRIATED FUND BALANCE).
D. AUTHORIZE BUDGET ADJUSTMENT TO INCREASE APPROPRIATIONS IN THE AMOUNT OF \$102,360 TO PROJECT 400-0352.

RECOMMENDATION:

- 1 Adopt resolution accepting work of Western States Surfacing, Inc. and authorizing the Town Manager to execute Certificate of Acceptance and Notice of Completion for recording by Clerk Administrator.
2. Authorize increase in contract amount from \$1,012,262 to \$1,102,147.
3. Authorize budget revenue adjustment of \$102,360 to project 400-0352 (\$82,297 from cost-sharing reimbursement and remaining balance of \$20,063 transfer from GFAR unappropriated fund balance).
4. Authorize budget adjustment to increase appropriations in the amount of \$102,360 to project 400-0352.

BACKGROUND:

On May 6, 2005, the Town Council approved the plans and specifications for the FY 04-05 Street Repair and Resurfacing Project and authorized staff to advertise the project for bids.

PREPARED BY:

[Handwritten signature: John E. Curtis]
JOHN E. CURTIS
Director of Parks and Public Works

Reviewed by: [Signature] Assistant Town Manager [] Attorney [] Clerk Administrator []
Finance [Signature] Community Development [] Revised: 11/30/05 9:41 am

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MAYOR AND TOWN COUNCIL

SUBJECT: PROJECT 04-16 - FY 04-05 STREET REPAIR AND RESURFACING

NOVEMBER 30, 2005

The project resurfaced over seven miles of streets in Los Gatos. Also, as part of ongoing collaboration with neighboring agencies, the Town also resurfaced approximately a half mile of street in Monte Sereno, as part of the Town's project. Combining the street projects was an efficient approach to service delivery and lower costs. The City of Monte Sereno agreed to pay Los Gatos for the cost of the work on their streets based on final contract unit prices, including an additional administrative fee for the Town's processing and managing of the project.

On July 1, 2005, during the legislative recess of the Council, the Town Manager awarded a construction contract for this work to Western States Surfacing, Inc., as the lowest responsible bidder. On October 28, 2005, the project was substantially completed. The execution and recordation of the Certificate of Acceptance is now required to finalize the Town's acceptance of the project.

DISCUSSION:

The contracted work has been completed by Western States Surfacing, Inc. and is accepted by the Parks and Public Works Department. Ten percent (10%) 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. Staff recommends that the Certificate of Acceptance and Notice of Completion be executed and recorded.

An opportunity to resurface additional streets under this contract amount was available this past summer. After the award of the contract, oil prices increased substantially yet the Town had very low bid prices secured for this slurry and chip seal. Five (5) streets, or 195,551 square feet, were added to this project due to the locked-in asphalt bid and additional road work requests from businesses along Los Gatos Boulevard.

The Town worked with several private property owners along Los Gatos Boulevard for striping and paving the road, either due to road improvement requests or as a condition of approval of their development project, of which cost sharing was obtained. Three (3) private property owners agreed to pay the Town their portion of the cost, helping to offset the cost of this project. The total cost sharing for this project is as follows:

● City of Monte Sereno (resurfacing Monte Sereno streets)	\$ 47,567.10
● Ohloff Medical Building (striping Los Gatos Boulevard)	11,627.00
● Boulevard Surgical Associates (resurface Los Gatos Boulevard)	11,122.67
● Terreno De Flores Project (striping Los Gatos Boulevard)	<u>11,980.00</u>
<u>Total Cost Sharing</u>	<u>\$ 82,296.77</u>

The combination of cost-sharing and low asphalt pricing enabled the Town to improve a total of seven (7) miles of roadway, or 2,150,142 square feet of roadway. These roadway improvements bring the Towns' PCI (pavement condition index) up to 75% as of November 25, 2005.

ENVIRONMENTAL ASSESSMENT:

The entire project is statutorily exempt pursuant to Sections 15301 (a), 15301(f), and 15303(e) of the State CEQA Guidelines.

FISCAL IMPACT:

Funding for this project draws upon a combination of Gas Tax and GFAR funds. The original construction contract approved by the Town Manager was for \$922,262, with a \$90,000 contingency, bringing the total authorized budget for this project to \$1,012,262. The project was completed by the contractor for \$1,102,147. With an adjustment to account 400-0352 reflecting increase in revenues in the amount of \$82,297 and to expenditures in the amount of \$102,360, the revised budget is as follows:

FY 2004/05 Street Repair and Resurfacing Project Engineering Project # 04-16 (0352) Expenditures					
	Available Budget Funding	Expended/ Encumbered To Date	Additional Budget Requested	Revised Budget If Approved	Remaining Budget if Approved
FY 2005/06 Fiscal Impact					
Project 400-0352	276,083	276,083	102,360	378,443	-
Project 480-0352	810,231	810,231	-	810,231	-
TOTALS	1,086,314	1,086,314	102,360	1,188,674	-
TOTAL EXPENDITURES BY CATEGORY:					
Staff Labor					
Materials		47,167			
Equipment (grinder & roller)		7,165			
Engineering/Design					
Construction-(Western States)		1,102,147			
Construction (Other contracts)		32,195			
Contingency					
TOTALS		1,188,674			

FY 2004/05 Street Repair and Resurfacing Project Engineering Project #04-16 (0352) Revenues			
	Available Budget Funding	Increased Budget for Authorization	Revised Budget If Approved
FY 2005/06 Fiscal Impact			
GFAR 400-0352	276,083		276,083
Gas Tax 480-0352	810,231		810,231
Cost Reimbursement Revenue		82,297	82,297
GFAR Fund Balance Transfer		20,063	20,063
TOTALS	1,086,314	-	1,188,674

Attachments:

Resolution accepting work of Western States Surfacing, 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 WESTERN STATES SURFACING, INC.
FOR PROJECT 04-16 - FY 04-05 - STREET REPAIR AND RESURFACING AND
AUTHORIZING THE TOWN MANAGER TO EXECUTE
CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION
FOR RECORDING BY THE CLERK ADMINISTRATOR

WHEREAS, on May 6, 2005 the Town Council approved plans and specifications for Project 04-16 - FY 04-05 - Street Repair and Resurfacing.

WHEREAS, on July 1, 2005, during the Council legislative recess, the Town Manager awarded the contract for this work to Western States Surfacing, Inc., as the lowest responsible bidder; and

WHEREAS, the Town Manager authorized staff to issue change orders to the construction contract up to an amount of \$90,000.

WHEREAS, Western States Surfacing, Inc. substantially completed the project in conformance with the plans and specifications pursuant to Council approval; and

WHEREAS, ten percent of the performance bond provided by Western States Surfacing, Inc. shall remain in place for two years until December 5, 2007, to guarantee the work; and

WHEREAS, the work on Project 04-16 - FY 04-05 Street Repair and Resurfacing 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 day of , 2005 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

PLEASE RECORD AND RETURN TO:

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

CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION
PROJECT 04-16 - FY 2004-05 - STREET REPAIR AND RESURFACING

TO WHOM IT MAY CONCERN:

We do hereby certify that **Western States Surfacing, Inc.** substantially completed the work on **October 28, 2005** called for in the agreement with the Town of Los Gatos dated **July 20, 2005**. The work is listed in the specifications prepared by the Town of Los Gatos and generally consisted of furnishing all labor, materials, tools, equipment, and services required for completion of FY 2004-05 Street Repair and Resurfacing Project located in the TOWN OF LOS GATOS, County of Santa Clara, State of California and was completed, approved and accepted **December 5, 2005**.

The Surety on the bond accompanying the contract/agreement is the Western Surety Company.

Bond No.: 929374639
Date: July 28, 2005

TOWN OF LOS GATOS

By: _____
Director of Parks and Public Works

By: _____
Town Manager

Exhibit A

I, DEBRA J. FIGONE, 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 _____ 2005 at Los Gatos, California.

DEBRA J. FIGONE, TOWN MANAGER
Town of Los Gatos

RECOMMENDED BY:

John E. Curtis
Director of Parks and Public Works

Date: _____

APPROVED AS TO FORM:

Town Attorney

Date: _____

TOWN OF LOS GATOS, CALIFORNIA, ACKNOWLEDGMENT

State of California
County of Santa Clara

On _____ before me, **MARLYN RASMUSSEN, Clerk Administrator**, personally appeared **DEBRA J. FIGONE, Town Manager**, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the within instrument the entity upon behalf of which the person acted, **The Town of Los Gatos**, executed the instrument.

WITNESS my hand and official seal.

Clerk Administrator of the Town of Los Gatos
Los Gatos, California

CAPACITY CLAIMED BY SIGNER:

Municipal Officer of the Town of Los Gatos

DESCRIPTION OF ATTACHED DOCUMENT:

Title of Document: Certificate of Acceptance and Notice of Completion
Project 04-16 - FY 2004-05 Street Repair and Resurfacing

Number of Pages: 2

Date of Document:

Signer(s) Other than Named Above: None