



MEETING DATE: 12/19/05

ITEM NO.

6

COUNCIL AGENDA REPORT

DATE: DECEMBER 8, 2005
TO: MAYOR AND TOWN COUNCIL
FROM: DEBRA J. FIGONE, TOWN MANAGER
SUBJECT: PROJECT 04-61 - LA RINCONADA PARK TRAIL REPAIR

Handwritten signature of Debra J. Figone

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.

RECOMMENDATION:

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 Clerk Administrator.

BACKGROUND:

On April 4, 2005, the Town Council approved the plans and specifications for the La Rinconada Park Trail Repair and authorized staff to advertise the project for bids.

The Town applied and was approved for \$35,000 in grant funding from the Metropolitan Transportation Commission (MTC) for the repairs of this trail behind La Rinconada Park that was damaged a few years ago due to winter storms. This amount was supplemented by a \$10,000 source of funding from the Town's General Fund Appropriated Reserve, (GFAR) fund. The repairs included removal and clearing of debris, reinforcing the slope with rock rip rap, and providing a gravel shoulder for the trail.

On June 6, 2005, the Council awarded a construction contract for this work to Joseph J. Albanese, Inc., as the lowest responsible bidder. On November 19, 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.

PREPARED BY:

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

Reviewed by: [initials] Assistant Town Manager [initials] Attorney [initials] Clerk Administrator
Finance [initials] Community Development [initials] Revised: 12/8/05 1:38 pm

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MAYOR AND TOWN COUNCIL
SUBJECT: PROJECT 04-61 - LA RINCONADA PARK TRAIL REPAIR
DECEMBER 8, 2005

DISCUSSION:

The contracted work has been completed by Joseph J. Albanese, 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.

ENVIRONMENTAL ASSESSMENT:

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

FISCAL IMPACT:

The original construction contract approved by the Town Manager was for \$40,363, with a contingency budget of \$3,000, bringing the total authorized budget for this project to \$43,363. The construction contract portion was completed for \$34,910. With staffing and advertising expenditures of \$1,361, the total project cost was \$36,271. The remaining project fund balance of \$8,729 will revert to GFAR Fund Balance at the end of the year.

La Rinconada Trail Reconstruction Project			
FY 2005/06 Fiscal Impact	Budget Funding	Expended/ Encumbered To Date	Remaining Balance
Project: 400-0561	10,000	1,271	8,729
Project: 410-0561	35,000	35,000	-
TOTALS	45,000	36,271	8,729
TOTAL EXPENDITURES BY CATEGORY:			
Staff Labor		1,003	
Materials		358	
Engineering Design			
Construction Contract		34,910	
Contingency		-	
TOTALS		36,271	

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 PROJECT 04-61 - LA RINCONADA PARK TRAIL REPAIR
AND AUTHORIZING THE TOWN MANAGER TO EXECUTE
CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION
FOR RECORDING BY THE CLERK ADMINISTRATOR

WHEREAS, on April 4, 2005 the Town Council approved plans and specifications for Project 04-61 - La Rinconada Park Trail Repair.

WHEREAS, on June 6, 2005, the Town Council awarded the contract for this work to Joseph J. Albanese, Inc., as the lowest responsible bidder; and

WHEREAS, Town Council authorized staff to issue change orders to the construction contract up to an amount of \$3,000.

WHEREAS, Joseph J. Albanese, 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 Joseph J. Albanese, Inc. shall remain in place for two years until December 19, 2007, to guarantee the work; and

WHEREAS, the work on Project 04-61 - La Rinconada Park Trail Repair 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 04-61 - LA RINCONADA PARK TRAIL REPAIR

TO WHOM IT MAY CONCERN:

We do hereby certify that **Joseph J. Albanese, Inc.** substantially completed the work on November 19, 2005 called for in the agreement with the Town of Los Gatos dated **July 7, 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 La Rinconada Park Trail Repair located in the TOWN OF LOS GATOS, County of Santa Clara, State of California and was completed, approved and accepted **December 19, 2005**.

The Surety on the bond accompanying the contract/agreement is the

Bond No.: 104509351
Date: June 25, 2005

TOWN OF LOS GATOS

By: _____
Director of Parks and Public Works

By: _____
Town Manager

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 04-61 - La Rinconada Park Trail Repair

Number of Pages: 2

Date of Document:

Signer(s) Other than Named Above: None