



MEETING DATE: 2/6/06  
ITEM NO. 4

COUNCIL AGENDA REPORT

DATE: JANUARY 27, 2006  
TO: MAYOR AND TOWN COUNCIL  
FROM: DEBRA J. FIGONE, TOWN MANAGER

SUBJECT: PROJECT NO. 05-02 - AWARD OF CONSTRUCTION CONTRACT FOR 2005-06 CURB, GUTTER, AND SIDEWALK REPAIR AND REPLACEMENT

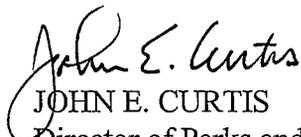
- A. ADOPT RESOLUTION DECLARING JJR CONSTRUCTION, INC. TO BE THE LOWEST RESPONSIBLE BIDDER ON THE PROJECT AND AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$42,900.
- B. AUTHORIZE STAFF TO ISSUE CHANGE ORDERS TO THE CONSTRUCTION CONTRACT UP TO AN AMOUNT OF \$8,000

RECOMMENDATION:

- 1. Adopt Resolution (Attachment 1) declaring JJR Construction, Inc. to be the lowest responsible bidder on the project and awarding a construction contract (Exhibit A) in the amount of \$42,900.
- 2. Authorize staff to issue change orders to the construction contract up to an amount of \$8,000.

BACKGROUND:

This project funds the annual repair and replacement of deficient curbs, gutters, and sidewalks throughout Town. Location for repairs and replacement work are identified throughout the year by Parks and Public Works Department staff. The primary cause of damage to curbs, gutters, and sidewalks is tree root growth. The Town has many mature trees that were planted years ago, and despite their beauty, have outgrown the small planter areas which they are located in and their roots have grown under sidewalks, and in some cases, under the roadway causing uplifts and extensive damage.

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

Reviewed by: PS Assistant Town Manager OK Attorney \_\_\_\_\_ Clerk Administrator \_\_\_\_\_  
Finance LR Community Development \_\_\_\_\_ Revised: 1/27/06 11:36 am

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MAYOR AND TOWN COUNCIL

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JANUARY 27, 2006

DISCUSSION:

For projects under \$75,000 construction costs, the Town's informal bid process does not require public advertising and the preparation of a set of complete plans and specifications for a project. This informal bid process allows staff to prepare a scope of work, solicit bids from three (3) contractors, and award the contract to the lowest bidder. The Town uses this process for small and uncomplicated projects.

Bids for the 2005-06 Curb, Gutter, and Sidewalk Repair and Replacement were received by the Town Engineer on January 26, 2006.

The following contractors submitted bids for this project:

JJR Construction, Inc.	\$42,900
Joseph J. Albanese, Inc.	\$61,524

It is recommended that the Council adopt the attached Resolution that would declare JJR Construction, Inc. to be the lowest responsible bidder on the project and award a construction contract to this company in the amount of \$42,900.

Staff has checked all of the bids received and has determined that JJR Construction, Inc. is responsible and that its bid is responsive to the Town's informal bid process.

Further, it is recommended that the Council authorize staff to execute future Change Orders to the construction contract up to an amount of \$8,000.00. 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 begin in February, 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 Categorically Exempt (Section 15301©). A Notice of Exemption will not be filed.

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MAYOR AND TOWN COUNCIL

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JANUARY 27, 2006

FISCAL IMPACT:

The FY 05-06 Curb, Gutter and Sidewalk Capital Improvement Project 400-0349 has a current available balance \$127,027, sufficient to fund this \$42,900 contract and the \$8,000 contingency, as the following chart details:

<b>CURB GUTTER AND SIDEWALK REPAIR PROJECT</b>					
<b>FY 2005/06 Fiscal Impact</b>	<b>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>Project: 400-0349</b>	151,998	24,926	127,072	42,900	84,172
<b>TOTALS</b>	<b>151,998</b>	<b>24,926</b>	<b>127,072</b>	<b>42,900</b>	<b>84,172</b>
<b>TOTAL EXPENDITURES BY CATEGORY:</b>					
Staff Labor		-			
Materials		-			
Engineering Design		-			
Construction		-		42,900	
Contingency		-		8,000	
<b>TOTALS</b>		<b>-</b>		<b>50,900</b>	

Attachments:

1. Resolution declaring JJR Construction, Inc. the lowest responsible bidder (with Exhibit A)  
Construction Contract
2. Bid Summary

**RESOLUTION**

**RESOLUTION OF THE TOWN COUNCIL  
OF THE TOWN OF LOS GATOS  
AWARDING A CONSTRUCTION CONTRACT TO  
JJR CONSTRUCTION, INC.  
FOR PROJECT 05-02 - 2005-06 - CURB, GUTTER, AND SIDEWALK  
REPAIR AND REPLACEMENT**

**WHEREAS**, bids were sought in conformance with State and Town law for Project 05-02 - 2005-06 Curb, Gutter, and Sidewalk Repair and Replacement; and

**WHEREAS**, JJR Construction, Inc. submitted the lowest bid which the Town Council deems to be responsive to the Town's solicitation.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Los Gatos, County of Santa Clara, State of California, that JJR Construction, Inc. is declared to be the lowest responsible bidder for Project 05-02 - 2005-06 Curb, Gutter, and Sidewalk Repair and Replacement.

**BE IT FURTHER RESOLVED** that the Town Manager is hereby authorized and directed to execute a construction contract (Attached as Exhibit A) for said project on behalf of the Town in the amount of \$\$42,900.

**BE IT FURTHER RESOLVED**, that staff is authorized to execute future change orders, as necessary, up to an amount of \$8,000.

**PASSED AND ADOPTED** at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 6th day of February, 2006, 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

Attachment 1

## CONTRACT

THIS AGREEMENT is between the **Town of Los Gatos** (hereinafter referred to as "Owner") and JJR Construction, Inc. (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 05-02 - 2005-06 Curb, Gutter, and Sidewalk Repair and Replacement 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 (forty two thousand nine hundred dollars), (\$42,900.), 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.

### 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 **Forty (40)** working days of Contractor's receipt of the *Notice to Proceed*.

Exhibit A

**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*.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**TOWN OF LOS GATOS, by:**

**by: JJR Construction, Inc.**

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

\_\_\_\_\_  
(Signature)

**RECOMMEND BY:**

\_\_\_\_\_  
\_\_\_\_\_

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

**APPROVED AS TO FORM:**

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

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

**ATTEST:**

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

*Town of Los Gatos Parks and Public Works Department  
 FY 05-06 Curb, Guttter, and Sidewalk Replacement Project #05-02  
 Bid Tabulation Bid opening: January 26, 2006 at 10:00 A.M. at Parks & Public Works*

				Engineers Estimate		JJR Construction 1120 Ninth Ave. San Mateo, CA 94402		Jos. J. Albanese, Inc. 2075 De La Cruz Blvd., Ste. 107 Santa Clara, CA 95050	
<i>Item No.</i>	<i>Description</i>	<i>Quantity</i>	<i>Unit</i>	<i>Unit Price</i>	<i>Item Cost</i>	<i>Unit Price</i>	<i>Item Cost</i>	<i>Unit Price</i>	<i>Item Cost</i>
BASE BID SUMMARY									
1	R&R Sidewalk	2000	LF	2,600.00	5,200,000.00	11.00	22,000.00	16.00	32,000.00
2	R&R Curb and Gutter	160	LF	750.00	120,000.00	55.00	8,800.00	75.00	12,000.00
3	Root Prune	20	EA	1,000.00	20,000.00	150.00	3,000.00	256.50	5,130.00
4	Install A/C Valley Gutter	260	LF	2.75	715.00	35.00	9,100.00	47.67	12,394.20
				\$5,340,715.00		\$42,900.00		\$61,524.20	

This certifies that all bids were by January 26, 2006, and that this is a copy of the bid tabulation with bids corrected for errors in addition & multiplication. By: