

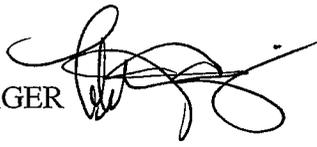


MEETING DATE: 4/3/06
ITEM NO. 3

COUNCIL AGENDA REPORT

DATE: MARCH 28, 2006

TO: MAYOR AND TOWN COUNCIL

FROM: DEBRA J. FIGONE, TOWN MANAGER 

SUBJECT: PROJECT NO. 05-06 - AWARD OF CONSTRUCTION CONTRACT FOR LOS GATOS CREEK TRAIL BRIDGE DECK REPLACEMENT

- A. ADOPT RESOLUTION DECLARING ANDERSON PACIFIC ENGINEERING CONSTRUCTION, INC. TO BE THE LOWEST RESPONSIBLE BIDDER ON THE PROJECT AND AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$53,500
- B. AUTHORIZE STAFF TO ISSUE CHANGE ORDERS TO THE CONSTRUCTION CONTRACT UP TO AN AMOUNT OF \$5,000

RECOMMENDATION:

- 1. Adopt Resolution (Attachment 1) declaring Anderson Pacific Engineering Construction, Inc. to be the lowest responsible bidder on the project and awarding a construction contract (Exhibit A) in the amount of \$53,500.
- 2. Authorize staff to issue change orders to the construction contract up to an amount of \$5,000.

BACKGROUND:

This project will repair the wooden deck of the Los Gatos Creek Trail bridge and elevated pathway located between Miles Avenue and the Highway 17 pedestrian overcrossing, directly behind the Old Town Center. The deck has deteriorated due to normal aging, weather, and poor drainage of the deck, compounded with the very high use of this trail section by bicyclists and pedestrians. The bolts that hold the deck to the structure are rusted, have become loose, and have caused trip and fall accidents for pedestrians and flat tires for some bicyclists.

In 2005, staff applied for two different grant sources to fund this deck replacement project: TDA Article-3 and State Hazardous Elimination Safety (HES) grant. The TDA funds were recently approved for \$10,000, but the HES grant was not approved, due to the competitive nature of those funds.

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

Reviewed by: PS Assistant Town Manager CL Attorney _____ Clerk Administrator _____
Finance sc Community Development _____ Revised: 3/30/06 1:03 pm

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MAYOR AND TOWN COUNCIL

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Seeking the additional \$55,000 needed to complete this project, staff then applied for Proposition 12 State Bond funds, as the trail is part of the town's park system. That proposal was approved by the State in February, 2006, for \$55,000. Together, the approved grant proposals total \$65,000 to fund this project. Mid-year budget approved this revised funding source and use of grant funds.

DISCUSSION:

The new deck will be made of pressure treated lumber and will be fastened to the structure by new bolts that are sunk into the lumber and therefore will eliminate tripping accidents for walkers and joggers, as well as incidents causing flat tires to bicycle riders. The structure will be closed to all trail users during the construction days, while the old deck is removed and the new deck placed in sections. However, we will keep the bridge open after hours for safety purposes, and to accommodate users of the trail who access the Miles Avenue parking lot in the evening. This approach provides a safe condition for the contractor to do his work and will also provide partial use of the bridge for the public.

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 four (4) contractors, and award the contract to the lowest bidder. The Town uses this process for small and uncomplicated projects.

Bids for the Los Gatos Creek Trail Bridge Deck Replacement were received by the Town Engineer on March 27, 2006. The following contractors submitted bids for this project:

GKI Construction	\$96,000
Duran and Venables	\$63,560
Anderson Pacific Engineering Construction, Inc.	\$53,500

It is recommended that the Council adopt the attached Resolution that would declare Anderson Pacific Engineering Construction, Inc. to be the lowest responsible bidder on the project and award a construction contract to this company in the amount of \$53,500. Staff has checked all of the bids received and has determined that Anderson Pacific Engineering Construction, Inc. is responsible and that its bid is responsive to the Town's informal bid process.

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 take place in May 2006. Notification of trail closure including signs and notices to alert and inform trail users and public will be a part of this project.

MAYOR AND TOWN COUNCIL

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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 15301c). A Notice of Exemption will not be filed.

FISCAL IMPACT:

This project's revised funding was approved at mid-year budget adjustment. Staff recommends utilizing the Proposition 12 State Bond funding first, then the TDA grant funding, due to time restrictions for the State Bond funds. The following chart details the project funding:

Los Gatos Creek Trail Deck Replacement Project			
FY 2005/06 Fiscal Impact	Revised Project Funding	Award Contract	Remaining Balance
410-0602: Proposition 12 funds	55,000	55,000	-
410-0602: TDA Article-3 funds	10,000	3,500	6,500
TOTALS	65,000	58,500	6,500
TOTAL EXPENDITURES BY CATEGORY:			
Staff Labor		-	
Materials		-	
Engineering Design		-	
Construction Management		-	
Construction		53,500	
Construction Contingency		5,000	
TOTALS		58,500	

Attachments:

1. Resolution declaring Anderson Pacific Engineering 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
ANDERSON PACIFIC ENGINEERING CONSTRUCTION, INC.
FOR PROJECT 05-06 - LOS GATOS CREEK TRAIL BRIDGE DECK REPLACEMENT**

WHEREAS, bids were sought in conformance with State and Town law for Project 05-06 - Los Gatos Creek Trail Bridge Deck Replacement; and

WHEREAS, Anderson Pacific Engineering 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 Anderson Pacific Engineering Construction, Inc. is declared to be the lowest responsible bidder for Project 05-06 - Los Gatos Creek Trail Bridge Deck 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 \$53,500.

BE IT FURTHER RESOLVED, that staff is authorized to execute future change orders, as necessary, up to an amount of \$5,000.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 3rd day of April, 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

CONTRACT

THIS AGREEMENT is between the **Town of Los Gatos** (hereinafter referred to as "Owner") and **Anderson Pacific Engineering 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 05-06 - Los Gatos Creek Trail Bridge Deck 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 (**fifty three thousand five hundred dollars**), (**\$53,500**), 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 **Thirty (30)** 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*.

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

TOWN OF LOS GATOS, by:

by: Anderson Pacific Engineering
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
 Los Gatos Creek Trail Bridge Deck Replacement Project # 05-06
 Bid Tabulation Bid opening: March 27, 2006 at 10:00 A.M. at the PPW**

Item No.	Description	Quantity	Unit	Engineers Estimate	Anderson Pacific 1390 Norman Ave. Santa Clara, CA 95054	Duran & Venables 261 Bothelo Ave. Milpitas, CA 95035	GKI Construction 579 E. Campbell Ave. Campbell, CA 95008
				Unit Price	Item Cost	Unit Price	Item Cost
1	Replacement of Bridge Deck	1	LS	\$60,000.00	53,500.00	63,560.00	96,000.00
				\$60,000.00	\$53,500.00	\$63,560.00	\$96,000.00

This certifies that all bids were received and opened on March 27, 2006, and that this is a copy of the bid tabulation with bids corrected for errors in addition & multiplication. By:

