



MEETING DATE: 6/5/06
ITEM NO. 7

COUNCIL AGENDA REPORT

DATE: MAY 10, 2006
TO: MAYOR AND TOWN COUNCIL
FROM: DEBRA J. FIGONE, TOWN MANAGER

SUBJECT: PROJECT 05-02 - FY 2005-06 CURB, GUTTER, AND SIDEWALK REPAIR AND REPLACEMENT
RESOLUTION ACCEPTING WORK OF JJR CONSTRUCTION, 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 JJR Construction, Inc. and authorizing the Town Manager to execute Certificate of Acceptance and Notice of Completion for recording by the Clerk Administrator.

BACKGROUND:

This project designated funding for the annual repair and replacement of deficient curbs, gutters, and sidewalks throughout Town. Location for repairs and replacement work were 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.

DISCUSSION:

On February 6, 2006, the Town Council awarded the contract for this work to JJR Construction, Inc. as the lowest responsible bidder.

On April 26, 2006, 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:
JOHN E. CURTIS
Director of Parks and Public Works

Reviewed by: PS Assistant Town Manager JK Town Attorney Clerk Administrator
SE Finance Community Development

Revised: 5/10/06 11:35 am

MAY 10, 2006

The contracted work has been completed by JJR Construction, Inc., and is accepted by the Parks and Public Works Department. Ten percent 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 Categorized Exempt (Section 15301(c)). A Notice of Exemption will not be filed.

FISCAL IMPACT:

The original contract approved by Council was for \$42,900, with a contingency budget of \$8,000, for a total project budget of \$50,900. This project was completed for \$50,000, within the authorized budget. This project is funded in Project 400-0349, per the approved FY 2005/06 Capital Improvement Program. Additional expenditures to this account include sidewalk repairs (grinding and repairing sections of sidewalk by Precision Concrete) which result in an account balance of \$57,072, as demonstrated below:

CURB GUTTER AND SIDEWALK REPAIR PROJECT			
FY 2005/06 Fiscal Impact	Budget	Expended/	Budget
Project: 400-0349	Funding	To Date	Balance
TOTALS	151,998	94,926	57,072
TOTAL EXPENDITURES BY CATEGORY:			
Construction-JJR	50,000		
Construction-Precision Concrete	44,926		
Contingency	-		
TOTALS	94,926		57,072

Attachments:

Resolution accepting work of JJR Construction, 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 JJR CONSTRUCTION, INC.
FOR PROJECT 05-02 - FY 2005-06 CURB, GUTTER, AND SIDEWALK REPAIR AND
REPLACEMENT AND AUTHORIZING THE TOWN MANAGER TO EXECUTE
CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION
FOR RECORDING BY CLERK ADMINISTRATOR

WHEREAS, on February 6, 2006, the Town Manager awarded the contract for this work to JJR Construction, Inc., as the lowest responsible bidder; and

WHEREAS, on February 6, 2006 the Town Council authorized staff to issue change orders to the construction contract up to an amount of \$8,000.

WHEREAS, JJR Construction, Inc. substantially completed the project in conformance with the Town's informal bid process and pursuant to Council approval; and

WHEREAS, ten percent of the performance bond provided by JJR Construction, Inc. shall remain in place for two years until June 5, 2008 to guarantee the work; and

WHEREAS, the work on Project 05-02 - FY 2005-06 Curb, Gutter, and Sidewalk Repair and Replacement 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 5th day of June, 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

PLEASE RECORD AND RETURN TO:

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

CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION
PROJECT 05-02 - FY 2005-06 CURB, GUTTER, AND SIDEWALK REPAIR AND REPLACEMENT

TO WHOM IT MAY CONCERN:

We do hereby certify that **JJR Construction, Inc.** substantially completed the work on , April 26, 2006 called for in the agreement with the Town of Los Gatos dated, **February 23, 2006**. The work is outlined in the Town's informal bid process prepared by the Town of Los Gatos and generally consisted of furnishing all labor, materials, tools, equipment, and services required for completion of the FY 2005-06 Curb, Gutter, and Sidewalk Repair and Replacement located in the TOWN OF LOS GATOS, County of Santa Clara, State of California and was completed, approved and accepted **June 5, 2006**.

The Surety on the bond accompanying the contract/agreement is the Great American Insurance Company.

Bond No.: 2692501
Date: February 13, 2006

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 2006 at Los Gatos, California.

DEBRA J. FIGONE, TOWN MANAGER
Town of Los Gatos

RECOMMENDED BY:

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 05-02 - FY 2005-06 Curb, Gutter, and Sidewalk Repair and Replacement

Number of Pages: 2

Date of Document:

Signer(s) Other than Named Above: None

