



MEETING DATE: 6/5/06

ITEM NO. 8

COUNCIL AGENDA REPORT

DATE: MAY 23, 2006

TO: MAYOR AND TOWN COUNCIL

FROM: DEBRA J. FIGONE, TOWN MANAGER

SUBJECT: 25 FIESTA WAY ANNEX ADA AND FACILITY IMPROVEMENTS

- A. ADOPT RESOLUTION ACCEPTING WORK OF GKI CONSTRUCTION AND AUTHORIZING THE TOWN MANAGER TO EXECUTE CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION FOR RECORDING BY THE CLERK ADMINISTRATOR
B. AUTHORIZE BUDGET ADJUSTMENT OF \$ 11,200 TO PROJECT ACCOUNT 400-0615
C. AUTHORIZE TRANSFER OF \$ 11,200 FROM BUILDING MAINTENANCE FUND (6695) TO ACCOUNT 400-0615

RECOMMENDATION:

- 1. Adopt resolution accepting work of GKI Construction and authorizing the Town Manager to execute Certificate of Acceptance and Notice of Completion for recording by the Clerk Administrator.
2. Authorize budget adjustment of \$ 11,200 to account 400-0615
3. Authorize transfer of \$ 11,200 from Building Maintenance Fund (6695) to account 400-0615

BACKGROUND:

This project is to upgrade the 25 Fiesta Way annex, to be used by Town staff for offices and meeting rooms. A majority of the facility upgrades are to provide appropriate access for a public structure, as required or recommended by the Americans with Disabilities Act (ADA). The ADA improvements include external sidewalk and driveway ramps and internal improvements to provide improved ADA access. The non-ADA related improvements include interior electrical upgrades and interior painting.

PREPARED BY:

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

Reviewed by: PS Assistant Town Manager OK Town Attorney Clerk Administrator
SC Finance Community Development

Revised: 6/1/06 2:53 pm

DISCUSSION:

On December 5, 2005, the Town Council awarded the contract for this work to GKI Construction as the lowest responsible bidder. On May 1, 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.

A change order was necessary, during the course of this work, to provide additional improvements, both ADA and non-ADA related. Specifically, additional concrete work was deemed necessary, as was interior painting and interior electrical work. This work was added to the project on May 12, 2006.

The contracted work has been completed by GKI Construction, 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 Categorical Exempt (Section 15301(c)). A Notice of Exemption will not be filed.

FISCAL IMPACT:

The original contract approved by Council was for \$63,500 for the purpose of completing ADA-related work with a contingency budget of \$5,000, for a total budget of \$68,500. Due to additional improvements deemed necessary during construction, including additional ADA improvements that are not reimbursable due to the grant funding limit, the revised project cost is \$79,398. To meet the additional costs of this project, a budget adjustment of \$11,200 from the Building Maintenance Fund (6695) is recommended.

To distinguish the grant funded, ADA-grant reimbursable component of this project from the non-grant funded expenditures, this project has two accounts (410-0615 for ADA-grant funded and 400-0615 for GFAR funded). The following two charts detail the budget revenues, transfers and expenditures:

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MAYOR AND TOWN COUNCIL
SUBJECT: 25 FIESTA WAY ANNEX ADA AND FACILITY IMPROVEMENTS
MAY 23, 2006

| Fiesta Way ADA Improvements | | | | | |
|--|---|--------------------------------|---------------------------|-------------------------------|------------------------------|
| Account 410-0615 | | | | | |
| FY 2005/06 Fiscal Impact | Available Budget Funding | Transfer to Account | Revised Budget | Encumbered to Date | Available Balance |
| Project 410-0615-grant funds | 55,412 | 7,536 | 62,948 | 58,423 | 4,525 |
| TOTALS | 55,412 | 7,536 | 62,948 | 58,423 | 4,525 |
| TOTAL EXPENDITURES BY CATEGORY: | | | | | |
| Construction-original contract | | - | | 58,423 | |
| Change Orders-grant reimburseable | | | | - | 4,525 |
| Contingency | | - | | | |
| TOTALS | | | | 58,423 | 4,525 |

| Fiesta Way Building Improvements | | | | | |
|--|---|--------------------------------|---------------------------|-------------------------------|------------------------------|
| Account 400-0615 | | | | | |
| FY 2005/06 Fiscal Impact | Available Budget Funding | Transfer to Account | Revised Budget | Encumbered to Date | Available Balance |
| Project 400-0615 | 5,250 | - | 5,250 | 5,250 | - |
| Transfer In From Building Fund 6695 | - | 11,200 | 11,200 | - | 11,200 |
| TOTALS | - | 11,200 | 16,450 | 5,250 | 11,200 |
| TOTAL EXPENDITURES BY CATEGORY: | | | | | |
| other contract work | | | | | |
| Construction | | | | 5,250 | |
| Change Orders for non-ADA grant reimburseable work | | | | | 11,200 |
| Contingency | | | | | |
| TOTALS | | | | 5,250 | 11,200 |

Attachments

Resolution accepting work of GKI Construction (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 GKI CONSTRUCTION
FOR PROJECT 05-18 - 25 FIESTA WAY ANNEX ADA IMPROVEMENTS AND
AUTHORIZING THE TOWN MANAGER TO EXECUTE
CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION
FOR RECORDING BY CLERK ADMINISTRATOR

WHEREAS, on December 5, 2005, the Town Manager awarded the contract for this work to GKI Construction, as the lowest responsible bidder; and

WHEREAS, on December 5, 2005 the Town Council authorized staff to issue change orders to the construction contract up to an amount of \$5,000.

WHEREAS, GKI Construction 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 GKI Construction shall remain in place for two years until June 5, 2008 to guarantee the work; and

WHEREAS, the work on Project 05-18 - 25 Fiesta Way Annex ADA Improvements 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 05-18 - 25 FIESTA WAY ANNEX ADA IMPROVEMENTS

TO WHOM IT MAY CONCERN:

We do hereby certify that **GKI Construction** substantially completed the work on May 1, 2006 called for in the agreement with the Town of Los Gatos dated, **January 20, 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 25 Fiesta Way Annex ADA Improvements 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 accompanying the contract/agreement is the Washington Mutual Bank.

Code No.: 26333
Reference No.: 162799859
Date: November 11, 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 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 05-18 - 25 Fiesta Way Annex ADA Improvements

Number of Pages: 2

Date of Document:

Signer(s) Other than Named Above: None

