



MEETING DATE: 8/7/06

ITEM NO: 9

COUNCIL AGENDA REPORT

DATE: AUGUST 14, 2006
TO: MAYOR AND TOWN COUNCIL
FROM: DEBRA J. FIGONE, TOWN MANAGER

[Handwritten signature]

SUBJECT: PROJECT 04-64 - INSTALLATION OF EQUIPMENT FOR THE CIVIC CENTER CHILLER/COOLING TOWER REPLACEMENT
ADOPT RESOLUTION ACCEPTING WORK OF THERMA CORPORATION 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 Therma Corporation and authorizing the Town Manager to execute Certificate of Acceptance and Notice of Completion for recording by the Clerk Administrator.

BACKGROUND:

The project involved the installation of the replacement Chiller and Cooling Tower purchased by the Town under the Federal GSA purchase program. The project also included the removal and replacement of the existing main air handling unit, domestic hot water storage tank, associated asbestos, abatement, and the removal of inoperative and unused H.V.A.C. components.

DISCUSSION:

On January 17, 2006, the Town Council awarded the contract for this work to Therma Corporation as the lowest responsible bidder. The start of the actual installation of equipment was significantly delayed due to lead time for the contractor to acquire contractor supplied components and the discovery of additional asbestos abatement. On July 14, 2006, the project was substantially completed. The replacement of these key components of the H.V.A.C. system and the addition of a modern computerized building control system will result in immediate savings on both electric and natural gas energy, and result in long and reliable service from the system. 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

[Handwritten signature: John E. Curtis]

N:\B&E\CNCLRPTS\04-64.installation of equip.c.c. chiller-cooling tower.cert

Reviewed by: PSJ Assistant Town Manager DLK Town Attorney
Clerk Administrator SC Finance Community Development

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MAYOR AND TOWN COUNCIL

SUBJECT: PROJECT 04-64 – INSTALLATION OF EQUIPMENT FOR THE CIVIC CENTER CHILLER/COOLING TOWER REPLACEMENT

AUGUST 14, 2006

The contracted work has been completed by Therma Corporation 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.

CONCLUSION:

Staff recommends that Council approve the Certificate of Acceptance and Notice of Completion for recording by the Clerk Administrator.

ENVIRONMENTAL ASSESSMENT:

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

FISCAL IMPACT:

The FY 2005-06 Building Maintenance Program budget provides funding for the Civic Center Chiller Replacement Project, (account # 6695-84553), in the amount of \$495,867. The entire project was completed for \$495,298, within the revised budget, as described in the following chart:

CIVIC CENTER CHILLING COOLER TOWER REPLACEMENT

FY 2005-06	Budget	Expended/	Remaining
Account	Funding	Encumbered	Balance
		To Date	
6695-84553	495,867	495,298	569
TOTALS	495,867	495,298	569

TOTAL EXPENDITURES BY CATEGORY:

Advertising & Blueprints	1,059
Equipment	104,346
Engineering Design	30,900
Consultation Services	4,184
Construction/Services	354,809
TOTALS	495,298

Attachments:

Resolution accepting work of Therma Corporation (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 THERMA CORPORATION
FOR PROJECT 04-64 – INSTALLATION OF EQUIPMENT FOR THE CHILLER/COOLING
TOWER REPLACEMENT IMPROVEMENTS AND AUTHORIZING THE
TOWN MANAGER TO EXECUTE
CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION
FOR RECORDING BY CLERK ADMINISTRATOR**

~~**WHEREAS**, on January 17, 2006, the Town Manager awarded the contract for this work to Therma Corporation, as the lowest responsible bidder; and~~

WHEREAS, on January 17, 2006 the Town Council authorized staff to issue change orders to the construction contract up to an amount of \$30,000.

WHEREAS, Therma Corporation 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 Therma Corporation shall remain in place for two years until August 21, 2008 to guarantee the work; and

WHEREAS, the work on Project 04-64 – Installation of Equipment for the Chiller/Cooling Tower Replacement 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 21st day of August, 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

RECORDING REQUESTED BY:

TOWN OF LOS GATOS

PLEASE RECORD AND RETURN TO:

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

CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION
**PROJECT 04-64 – INSTALLATION OF EQUIPMENT FOR THE CHILLER/COOLING
TOWER REPLACEMENT IMPROVEMENTS**

TO WHOM IT MAY CONCERN:

We do hereby certify that **Therma Corporation** substantially completed the work on July 14, 2006, called for in the agreement with the Town of Los Gatos dated **February 1, 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 Project 04-64 – Installation of Equipment for the Chiller/Cooling Tower Replacement Improvements located in the TOWN OF LOS GATOS, County of Santa Clara, State of California and was completed, approved and accepted **August 21, 2006**.

The Surety accompanying the contract/agreement is the Safeco Insurance Company of America.

Bond No.: 6352005
Date: January 27, 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, ACKNOWLEDGEMENT

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/she executed the same in his/her authorized capacity, and that by his/her 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 04-64 – Installation of Equipment for the Civic Center
Chiller/Cooling Tower Replacement Improvements

Number of Pages: 2

Date of Document:

Signer(s) **Other than Named Above:** None