



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 3/1/2022

ITEM NO: 7

DATE: February 24, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion for the Fiscal Year 2020/21 Curb, Gutter, and Sidewalk Maintenance Project (CIP No. 813-9921), Completed by Villalobos and Associates, and Authorize the Town Clerk to File for Recordation

RECOMMENDATION:

Authorize the Town Manager to execute a Certificate of Acceptance and Notice of Completion for the Fiscal Year (FY) 2020/21 Curb, Gutter, and Sidewalk Maintenance Project (CIP No. 813-9921), completed by Villalobos and Associates, and authorize the Town Clerk to file for recordation.

BACKGROUND:

The FY 2020/21 Curb, Gutter, and Sidewalk Maintenance Project focused on replacing or retrofitting curb ramps in compliance with the Americans with Disabilities Act (ADA) and other accessibility requirements. Title II of the ADA obligates jurisdictions to upgrade non-conforming curb ramps when streets are resurfaced from one intersection to another. The United States Department of Justice has determined that roadway resurfacing work such as asphalt overlay and rubber cape seal prompts curb ramps on associated streets to be installed or upgraded per latest ADA requirements and standards.

At the February 2, 2021, Town Council meeting, Council approved the plans and specifications for the Annual (FY 2020/21) Curb, Gutter, and Sidewalk Maintenance Project, approved advertising for bid, and authorized the Town Manager to award a construction contract in an amount not to exceed \$771,100, including contingencies.

PREPARED BY: WooJae Kim
Town Engineer

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, Finance Director, and Parks and Public Works Director

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BACKGROUND (continued):

On February 25, 2021, the Town received eight bids ranging from \$417,130 to \$634,318. The lowest responsible bid of \$417,130 was from Villalobos and Associates, and a construction contract for the amount was awarded. On March 16, Council authorized the project contingency to be increased from ten percent to 30 percent of the contract award amount to allow for additional curb, gutter, and sidewalk work to be completed utilizing the low unit bid prices received from Villalobos and Associates.

DISCUSSION:

Due to delays associated with the execution of the contract, the construction project started in June 2021. Villalobos and Associates has since satisfactorily completed all contracted work items, including 24% of additional related concrete work, for a final contract amount of \$519,205. Staff recommends accepting the project.

Five percent of the faithful performance bonds will remain in effect for a period of two years as a guarantee for any needed repair or replacement caused by defective materials and/or workmanship for the project. The execution and recordation of the Certificate of Acceptance is required to finalize the Town's acceptance and to release the retention funds withheld from the contractor.

CONCLUSION:

Authorize the Town Manager to execute a Certificate of Acceptance and Notice of Completion for the FY 2020/21 Curb, Gutter, and Sidewalk Maintenance Project (CIP No. 813-9921), completed by Villalobos and Associates, and authorize the Town Clerk to file the certificate with the County Clerk-Recorder's Office for recordation.

COORDINATION:

This project has been coordinated with the Finance Department.

FISCAL IMPACT:

Parks and Public Works staff costs are tracked for all projects. Tracking of staff costs allows for accountability in the costs of the project, recovery of costs for grant funded projects, and identification of future staffing needs. This project utilized both full-time and part-time temporary staff.

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FISCAL IMPACT (continued):

The fiscal table below reflects a multi-year project that crosses Fiscal Years 2020/21 and 2021/22. This report is meant to close out the contract with Villalobos and Associates associated with the FY 2020/21 work. The project fund balance will carry to the next year's project.

FY 2020/21 - FY 2021/22 Curb, Gutter, and Sidewalk Maintenance Project 813-9921		
	Budget	Costs
GFAR FY 2020/21 - FY 2021/22	\$ 1,117,813	
Grant Funding	\$ 62,884	
Total Budget	\$ 1,180,697	
Construction (including contingency) - Villalobos & Associates		\$ 519,205
Consultation Services - Ninyo & Moore		\$ 9,616
Misc.		\$ 895
Advertising		\$ 952
Blueprint/Copy/Postage		\$ 325
Santa Clara County Clerk		\$ 50
Total Expenditures		\$ 531,042
Remaining Budget		\$649,654

ENVIRONMENTAL ASSESSMENT:

This is a project as defined under CEQA but is Categorically Exempt (Section 15301c). A Notice of Exemption was previously filed.

Attachment:

1. Certificate of Acceptance and Notice of Completion