



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 8/2/2022

ITEM NO: 12

DATE: July 8, 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 2021/22 Curb, Gutter, and Sidewalk Maintenance Project (CIP No. 813-9921), Completed by Spencon Construction, 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) 2021/22 Curb, Gutter, and Sidewalk Maintenance Project (CIP No. 813-9921), completed by Spencon Construction, and authorize the Town Clerk to file for recordation.

BACKGROUND:

The FY 2021/22 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 the latest ADA requirements and standards.

At the February 15, 2022 Town Council meeting, Council approved the plans and specifications for the Annual (FY 2021/22) 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 \$588,500, including contingencies.

PREPARED BY: WooJae Kim
Town Engineer

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

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BACKGROUND (continued):

On March 10, 2022, the Town received twelve bids ranging from \$367,145 to \$723,600. The Town entered into an agreement with Spencon Construction for the work for the lowest responsible bid of \$367,145. Bidding the projects early in the year helped the Town receive favorable bids.

DISCUSSION:

With the timely execution of the contract, the construction project started in April 2022. Spencon Construction has since satisfactorily completed all contracted work items, including Town requested change order work, for a final construction cost of \$387,225. Per the original scope, a total of 57 curb ramps were made ADA compliant, and 250 square feet of sidewalk and 65 linear feet of curb and gutter which were uplifted and damaged were replaced. The Town requested change order work that resulted in an additional 90 square feet of sidewalk and 84 linear feet of curb and gutter being replaced as needed prior to the street resurfacing scheduled this year. 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 2021/22 Curb, Gutter, and Sidewalk Maintenance Project (CIP No. 813-9921), completed by Spencon Construction, 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

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FISCAL IMPACT (continued):

temporary staff. The costs associated with staff that are not included in the Parks and Public Works Department budget will be charged to the project through an administrative transfer of funds.

The fiscal table below reflects expenditures for the FY 2020/21 project which was delayed, resulting in the work performed and payment made during FY 2021/22. This report is meant to close out the contract with Spencon Construction associated with the FY 2021/22 work. The project fund balance will carry to the next year's project.

FY 2021/22 Curb, Gutter, and Sidewalk Maintenance Project 813-9921		
	Budget	Costs
GFAR FY 2021/22	\$ 980,756	
Grant Funding	\$ 62,884	
Total Budget	\$ 1,043,640	
<i>Expenditures for FY 2021/22 project:</i>		
Construction - Spencon Construction		\$ 387,225
Consultation Services - Ninyo & Moore		\$ 8,247
Advertising		\$ 940
Blueprint/Copy/Postage		\$ 366
Total Expenditures		\$ 396,778
<i>Expenditures for FY2020/21 project posted to FY 2021/22 Budget due to delayed contract with Villalobos:</i>		
Total Expenditures		\$ 396,268
Encumbrances		\$ 10,465
Remaining Budget		\$ 240,130
Staff Costs		
Operating Budget		\$ 64,450
Total		\$ 64,450

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ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. Certificate of Acceptance and Notice of Completion