



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/04/2023

ITEM NO: 3

DATE: March 30, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Annual Curb, Gutter, and Sidewalk Maintenance Project (CIP No. 813-9921):
a. Award and Execute a Construction Agreement with Spencon Construction in an Amount Not to Exceed \$427,520; and
b. Authorize Staff to Execute Change Orders in an Amount Not to Exceed Ten Percent of the Contract Award Amount

RECOMMENDATION:

Staff recommends that the Town Council authorize the following actions for the Annual Curb, Gutter, and Sidewalk Maintenance Project (CIP No. 813-9921) for Fiscal Year (FY) 2022/23:

- a. Award and execute a construction agreement with Spencon Construction (Attachment 1) in an amount not to exceed \$427,520; and
- b. Authorize staff to execute change orders in an amount not to exceed ten percent of the contract award amount.

BACKGROUND:

The adopted Fiscal Year (FY) 2022/23-2026/27 Capital Improvement Program (CIP) Budget designates funding for the Curb, Gutter, and Sidewalk Maintenance Project (CIP No. 813-9921). The goal of this annually funded project is to replace and improve damaged or outdated curbs, gutters, sidewalks, driveways, and curb ramps within the Town's jurisdiction to address safety and operational issues and to improve accessibility.

For the FY 2022/23 Curb, Gutter, and Sidewalk Maintenance (Concrete) Project, a large portion of the work focuses on replacing or retrofitting curb ramps for 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

PREPARED BY: James Watson
Interim Town Engineer

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

DISCUSSION (continued):

intersection to another. The United States Department of Justice has determined that surface treatments such as asphalt overlay and rubber cape seal trigger the requirement for ADA compliant curb ramps on associated streets.

The Council authorized the bid at its Feb.7, 2023 meeting. On March 2, 2023, bid packages were opened, and five contractors submitted bids: Spencon Construction, Silicon Valley Paving, Rosas Brothers Construction, Mercoza, and Valley Concrete (Attachment 2). The contract will be awarded to the lowest responsive bidder, Spencon Construction. The engineer's estimate for a base bid was \$409,900.

CONTRACTOR	Base Bid	Add. Alt. 1	Total Bid Amount
Spencon Construction	\$337,720.00	\$89,800.00	\$427,520.00
Silicon Valley Paving	\$356,830.00	\$100,800.00	\$457,630.00
Rosas Brothers Construction	\$358,500.00	\$118,800.00	\$477,300.00
Mercoza	\$395,350.00	\$118,400.00	\$513,750.00
Valley Concrete	\$483,010.00	\$171,000.00	\$654,010.00

CONCLUSION:

Staff recommends awarding and executing an agreement with Spencon Construction for \$427,520. This project will be constructed in advance of this year's Street Repair and Resurfacing Project (CIP No. 811-9901).

COORDINATION:

This project has been coordinated with the Finance Department and Town Attorney's Office.

FISCAL IMPACT:

The FY 2022/23 – 2026/27 CIP Budget for the Curb, Gutter, and Sidewalk Maintenance Project (CIP No. 813-9921) has sufficient funds for the construction contract, including contingency and project delivery costs.

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FISCAL IMPACT (continued):

Curb, Gutter, and Sidewalk Maintenance Project CIP No. 813-9921		
	Budget	Costs
GFAR	\$ 544,280	
Total Budget	\$ 544,280	
Construction		\$ 427,520
Construction Contingency (10%)		\$ 42,752
Temporary/Part-Time Staff		\$ 12,000
Material Testing		\$ 20,485
Other Project Delivery Costs		\$ 915
Total Costs		\$ 503,672
Available Balance		\$ 40,608

Staff costs are tracked for all projects. Tracking of staff costs allows for accountability in the costs of projects, recovery of costs from grant funded projects, and identification of future staffing needs. This project utilizes a combination of full-time budgeted staff and temporary staff that support fluctuating workloads. The costs for temporary staff will be directly associated with this project while full-time staff are accounted for in the department's operating budget.

ENVIRONMENTAL ASSESSMENT:

This is a project as defined under the California Environmental Quality Act but is Categorically Exempt (Section 15301(c)). A Notice of Exemption has been filed.

Attachments:

1. Construction Agreement with Exhibit A - Bid Summary
2. Bid Summary