



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 06/04/2024

DATE: May 30, 2024
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize the Town Manager to Execute a First Amendment to the Construction Agreement with Tucker Construction Inc. to Increase the Compensation by \$13,538 for a Total Agreement Amount Not to Exceed \$287,977 for the Adult Recreation Center Americans with Disabilities Act (ADA) Compliant Public Restroom Project (CIP 821-2601)

RECOMMENDATION:

Authorize the Town Manager to execute a First Amendment to the Construction Agreement with Tucker Construction Inc. to increase the compensation by \$13,538 for a total agreement amount not to exceed \$287,977 for the Adult Recreation Center Americans with Disabilities Act (ADA) Compliant Public Restroom Project (CIP 821-2601)

BACKGROUND:

The Adult Recreation Center was lacking a restroom that is ADA compliant. On June 20, 2023, Tucker Construction Inc. was awarded a Construction Agreement with the Town to add an ADA compliant public restroom in the Adult Recreation Center (CIP# 821-2601). Start of construction was November 17, 2023 and is nearing completion.

DISCUSSION:

Due to inaccuracies in the as-built plans for the building, an extension of the sewer line was required as well as other work. Both electrical and plumbing locations in the building were not accurately shown on the plans which led to damage during construction with added repair and re-connection costs to make the building fully functional for operation.

PREPARED BY: Dan Keller
Facilities & Environmental Services Manager

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

SUBJECT: Authorize the Town Manager to Execute a First Amendment to the Agreement for Consultant Services with Tucker Construction Inc. for the Adult Recreation Center Americans with Disabilities Act (ADA) Compliant Public Restroom Project (CIP 821-2601)

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DISCUSSION (continued):

The added construction costs included saw cutting concrete; excavating; installing and inspecting a new sewer line; compacting soil; pouring concrete; installing new flooring; and completing additional electrical and plumbing work. These costs exhausted the approved 10% contingency for contractor change orders and led to the request for an additional \$13,358 from the available project balance.

CONCLUSION:

Authorize the Town Manager to execute a First Amendment to the Construction Agreement with Tucker Construction Inc. to increase the compensation for the Adult Recreation Center ADA Compliant Public Restroom Project (CIP 821-2601).

FISCAL IMPACT:

The adopted Fiscal Year 2023/24 – 2027/28 Capital Improvement Program (CIP) Budget for this project has sufficient funds for the amendment to the contract.

Americans with Disabilities Act (ADA) Upgrade Public Restrooms - Adult Recreation CIP No. 821-2601		
	Budget	Costs
GFAR	\$ 183,000	
Grants	\$ 520,861	
Total Budget	\$ 703,861	
		Costs
Prior Consultant and Construction Services Including Encumbrances		\$ 401,666
First Amendment to Construction Agreement with Tucker Construction (Requested with this Staff Report)		\$ 13,538
Total Expenditures		\$ 415,204
Available Balance		\$ 288,657

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ENVIRONMENTAL ASSESSMENT:

This is a project as defined under CEQA and is Categorically Exempt (Section 15301) as a modification to an existing facility.

Attachment:

1. First Amendment to Construction Agreement with Exhibit A (Original Agreement and Exhibit A) and Exhibit B (Contract Change Order)