



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 11/16/2021

ITEM NO: 11

DATE: November 1, 2021
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 Massol Intersection Improvements (CIP No. 813-0236), Completed by Tennyson Electric Inc., 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 Massol Intersection Improvements (CIP No. 813-0236), completed by Tennyson Electric Inc., and authorize the Town Clerk to file for recordation.

BACKGROUND:

The Massol Intersection Improvements project is consistent with the Town's goal to improve public and traffic safety by enhancing the pedestrian crossing at the intersection of Massol Avenue and State Route/Highway 9.

On June 2, 2020, the Town Council authorized the Town Manager to approve the plans and specifications and advertise the project for bid. The Town Manager was authorized to award and execute a construction agreement up to \$349,760, which included a 20% contingency for future change orders. A 20% construction contingency was recommended since the project is within the California Department of Transportation (Caltrans) right of way requiring coordination and a permit from the state agency.

On July 1, 2020, the Town received three bids ranging from \$328,792 to \$474,654. Tennyson Electric, with a bid amount of \$328,792, was deemed to be the lowest responsive bidder. With 20% contingency (\$65,758) considered, the contract amount would exceed \$349,760

PREPARED BY: WooJae Kim
Town Engineer

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

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BACKGROUND (continued):

authorized by Council. On August 4, staff returned to Council and received an approval to award a construction agreement in an amount not to exceed \$394,550 (\$328,792 plus 20%) to Tennyson Electric. Council also approved a Fiscal Year (FY) 2020/21 Budget Transfer of \$57,148 from unspent balances from the School Bus Pilot Program.

DISCUSSION:

Through the project, the existing Massol Avenue crossing warning beacon was upgraded to more visible and intense rectangular rapid flashing beacons (RRFB). A new landscaped median island was installed on Highway 9 near the crosswalk to help reduce vehicle speeds. In addition, a new speed feedback display sign, streetlight for the crosswalk, and green bike lanes approaching the crosswalk were installed to improve the traffic safety at the intersection with a minimal impact to the traffic flow.

The project encountered delays due to extended lead times for new utility services from Pacific Gas and Electric Company (PG&E) and San Jose Water Company. Tennyson Electric has now satisfactorily completed all contracted work, with few additional work items, for a final contract amount of \$342,902.89. Staff recommends acceptance of 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 now 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 Massol Intersection Improvements (CIP No. 813-0236), completed by Tennyson Electric Inc., and authorize the Town Clerk to file the document with the County for recordation.

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 the updated project budget and the costs accrued to date for the Massol Intersection Improvements. There may be additional miscellaneous charges for the final closeout of the project.

Massol Intersection Improvements		
CIP No. 813-0236		
	Budget	Costs
GFAR	\$ 450,000	
Budget Transfer from School Bus Pilot Program	\$ 57,148	
Total Project Budget	\$ 507,148	
ActiveWayz Engineering (Expense & Encumbrance)		\$ 41,715
Signet Testing		\$ 12,323
Tennyson Electric Inc. (Expense & Encumbrance)		\$ 342,834
Advertising		\$ 986
Blueprint/Copy/Postage		\$ 681
Santa Clara County Clerk		\$ 50
PG&E Electrical Service		\$ 5,485
Total Project Costs		\$ 404,074
Available Balance		\$ 103,074
Staff Costs		
Operating Budget		\$ 25,086
Total		\$ 25,086

ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. Certificate of Acceptance and Notice of Completion