



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt a Resolution Granting Acceptance of Water Bottle Refill Station Installation Project, CUP 2353 and Authorizing the Director of Public Works to File a Notice of Completion and Issue a Notice of Final Acceptance
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	10/6/2020
Staff Contact:	Tony Ndah, 408-586-2602
Recommendation:	Adopt a resolution granting acceptance of Water Bottle Refill Station Installation Project, CUP (California Uniform Public Construction Cost Accounting Act public works project) 2353 and authorizing the Director of Public Works to file a Notice of Completion and issue a Notice of Final Acceptance after the one-year warranty period has elapsed.

Background:

On August 13, 2019, the City Council awarded a construction contract to Hoi's Construction, Inc. for the Water Bottle Refill Station Installation Project, California Uniform Public Construction Cost Accounting Act public works project CUP 2303 ("Project"), in the amount of \$178,000.00. The Project was part of the City's continued efforts to diminish its footprint on the environment by reducing water and plastic water bottle waste. The Project installed water bottle refill stations to replace existing drinking water fountains at City facilities and parks - in total 31 stations.

Due to unforeseen circumstances related to COVID-19, the Project was delayed, and a time extension was granted. The Project scope was also expanded to include the installation of an additional unit and to accommodate for unforeseen field conditions. A total of four (4) change orders were issued to address these unforeseen circumstances, for a total of \$11,529.02, thereby increasing the project cost from the original contract amount of \$178,000.00 to \$189,529.02. The change orders and expanded scope of work are within the authorized limits granted to the Director of Public Works to execute contract change orders without any further City Council action.

Analysis:

The Project was successfully completed within budget. Staff recommends the City Council adopt a resolution granting acceptance of the Project and authorizing the Director of Public Works to file a Notice of Completion in accordance with the provisions of Section 9204 of the Civil Code. Staff also recommends the City Council authorize the Director of Public Works to issue a notice of final acceptance after the one-year warranty period has elapsed, without further City Council action, provided that all warranty work is completed to the satisfaction of the Director of Public Works.

Policy Alternative:

Alternative: Do not adopt a resolution and deny Project acceptance, deny filing a notice of completion, and not begin the one-year warranty.

Pros: None

Cons: A denial would result in the City being unable to commence the one-year warranty, release the retention to the Contractor, and release any funds remaining back into the Project budget.

Reason not Recommended: Denial would result in the City being unable to close out the Project and release any funds remaining back into the Project budget.

Fiscal Impact:

There are sufficient funds available in the Public Works operating budget to maintain the refill stations.

California Environmental Quality Act:

The Project is exempt from further environmental review as a Class 1 Categorical Exemption under CEQA Guidelines §15301 (a) and (e)(2), Existing Facilities.

Recommendation:

Adopt a resolution granting acceptance of Water Bottle Refill Station Installation Project, CUP (California Uniform Public Construction Cost Accounting Act public works project) 2353 and authorizing the Director of Public Works to file a Notice of Completion and issue a Notice of Final Acceptance after the one-year warranty period has elapsed.

Attachment:

Resolution