



Santa Clara Valley Water District

File No.: 17-0269

Agenda Date: 5/23/2017

Item No.: 3.8.

BOARD AGENDA MEMORANDUM

SUBJECT:

Notice of Completion of Contract and Acceptance of Work for the Lower Silver Creek Flood Protection and Creek Restoration Project at the Dobern Bridge Crossing (Construction Phase - Stage 1), Gordon N. Ball, Inc., Contractor, Project No. 40264008, Contract No. C0618 (San Jose) (District 6).

RECOMMENDATION:

- A. Accept the work as complete; and
- B. Direct the Clerk of the Board to sign the Notice of Completion of Contract and Acceptance of Work and submit for recording to the Santa Clara County Clerk-Recorder.

SUMMARY:

The Construction Contractor, Gordon N. Ball, Inc., has completed the Construction Phase (Stage 1) for the Lower Silver Creek Flood Protection and Creek Restoration Project at the Dobern Bridge Crossing (Project). The construction contract was awarded in the amount of \$2,995,174.50 and the contract amount through the completion of Stage 1 is \$3,146,466.49. Subject to any withholds required by law or the contract, acceptance of the work by the Board will allow for the release of \$149,552.35 in retention to the contractor.

Project Background

The objective of the Lower Silver Creek Flood Protection and Creek Restoration Project is to convey the 1 percent flood flows and improve stream habitat values. The Dobern Bridge Crossing is located within Reach 4, which is the first segment of the Lower Silver Creek, Reaches 4-6 Project that the District is constructing in partnership with the United States Natural Resources Conservation Service. The District received \$20.2 million from a federal grant as part of the American Recovery and Reinvestment Act of 2009, to construct improvements along 2.3 miles of the creek for the Reaches 4-6 Project. Completion of the Lower Silver Creek, Reaches 4-6 Project, together with future improvements planned by the District's Lake Cunningham project, will provide flood protection for a total of 3,800 parcels in the surrounding area.

The Dobern Bridge Crossing project was implemented to raise the existing Dobern pedestrian bridge, re-establish pedestrian access ramps to the bridge in compliance with the Americans with Disabilities Act, and construct approximately 300-feet of channel improvements and floodwalls at the Dobern

Bridge area.

The Contractor has completed the *Construction Phase (Stage 1)* of the contract. The three-year *Plant Installation and Maintenance Phase (Stage 2)* of the contract is in progress and is scheduled for completion in January 2020.

This Board action is for the acceptance of the *Construction Phase (Stage 1)*. A separate Board action to accept the Stage 2 work will be proposed once the three-year *Plant Installation and Maintenance Phase (Stage 2)* of the contract is completed.

Previous Board Actions

On May 10, 2016, the Board adopted the plans and specifications and authorized advertisement for bids for the construction of the Lower Silver Creek Flood Protection and Creek Restoration Project at the Dobern Bridge Crossing.

On June 14, 2016, the Board awarded the subject contract to Gordon N. Ball, Inc., in the amount of \$2,995,174.50 and approved a contingency fund of \$300,000. The Board authorized the Chief Executive Officer (CEO) or designee to approve individual change orders up to the total amount of the contingency, with the Unit Manager and Deputy Operating Officer to approve individual changes up to \$50,000 and \$200,000 respectively.

Contract Change Orders

A total of five contract change orders totaling the amount of \$151,292.99 were executed for this contract to address various unforeseen site conditions, quantity adjustments and District-requested changes to benefit the Project.

These changes included:

- A. \$7,123.81 for additional work required to address unforeseen site conditions. (Change Order No. 4 - Items A and B)
- B. \$16,435.00 for quantity adjustments. (Change Order No. 5 - Item A)
- C. \$127,734.18 for additional District-requested changes to benefit the Project. (Change Order No. 1 - Item A, Change Order No. 2 - Item A, Change Order No. 3 - Item A, Change Order No. 5 - Item B)

The contract amount through completion of Stage 1 is \$3,146,466.49, which includes all contract change orders to date.

Table 1 presents a summary of the construction contract and contingency amounts.

**TABLE 1. SUMMARY OF CONSTRUCTION CONTRACT
AND CONTINGENCY AMOUNTS**

	Contract Amount	Contingency Amount
Original Contract	\$2,995,174.50	\$300,000.00
Change Order No. 1 (Staff Approved)	\$34,700.00	<\$34,700.00>
Change Order No. 2 (Staff Approved)	\$49,927.18	<\$49,927.18>
Change Order No. 3 (Staff Approved)	\$39,114.00	<\$39,114.00>
Change Order No. 4 (Staff Approved)	\$15,923.81	<\$15,923.81>
Change Order No. 5 (Staff Approved)	\$11,628.00	<\$11,628.00>
Current Contract Amount and Remaining Contingency	\$3,146,466.49	\$148,708.01

Acceptance of the Work and Recording Notice of Completion Contract

The California Civil Code allows an owner or its agent to execute a Notice of Completion of Contract Acceptance of the work by the Board. The Notice of Completion of the Contract and Acceptance of all work is included in Attachment 1. The Designated Engineer has determined that the work has been completed, to the best of her knowledge, in accordance with the plans and specifications, and recommends acceptance. The Designated Engineer's recommendation of construction acceptance is included in Attachment 2. The Project Completion Letter is included as Attachment 3. Photos of the completed Project are included in Attachment 4.

Construction Contract Retention

California law requires the District to release contract retention in accordance with certain time frames, which will commence once the Notice of Completion is recorded. Interest payment on retention due to the contractor may be avoided by meeting the requisite deadlines.

The District is currently withholding retention funds totaling five percent (5%) of the contract items associated with Stage 1 (\$149,552.35) in accordance with the Public Contract Code. Per the construction contract documents, the District is required to release retention funds associated with the contract 35 days after recording the Notice of Completion of Contract and Acceptance of Work, subject to any withholds required by law or the contract.

FINANCIAL IMPACT:

The construction contract was awarded in the amount of \$2,995,174.50 and the current contract amount is \$3,146,466.49, an increase of approximately 5-percent. No additional funding is

recommended.

CEQA:

The recommended action does not constitute a project under CEQA because it does not have a potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

ATTACHMENTS:

Attachment 1: Notice of Completion of Contract and Acceptance of Work

Attachment 2: Recommendation of Contract

Attachment 3: Project Completion Letter

Attachment 4: PowerPoint

Attachment 5: Project Delivery Process Chart

UNCLASSIFIED MANAGER:

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