



Santa Clara Valley Water District

File No.: 20-0808

Agenda Date: 9/22/2020

Item No.: 3.4.

BOARD AGENDA MEMORANDUM

SUBJECT:

Notice of Completion of Contract and Acceptance of Work for the Rinconada Water Treatment Plant Oak Woodland Project, Ecological Concerns, Inc., Contractor, Project No. 93294057, Contract No. C0651 (Los Gatos) (District 7).

RECOMMENDATION:

- A. Accept the work for the Rinconada Water Treatment Plant Oak Woodland Project, Project No. 93294057, Contract No. C0651 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, Ecological Concerns, Inc., has completed the Rinconada Water Treatment Plant Oak Woodland Project (Project). The construction contract was awarded in the amount of \$144,500.00 and the final contract amount is \$158,235.63. Subject to any withholds required by law or the contract, acceptance of the work by the Board will allow for the release of \$7,911.78 in retention to the contractor.

Project Background

The objective of the Project was to fulfill a mitigation measure defined in the January 2015 Rinconada Water Treatment Plant (RWTP) Reliability Improvement Project's Final Environmental Impact Report. This Project also complies with the Town of Los Gatos' tree mitigation requirement for the replacement of native oak trees removed during the RWTP Reliability Improvement Project construction.

The Project work consisted of collecting on-site oak tree acorns; planting 376 native oak trees on a 2.6-acre hillside; installing temporary irrigation; and maintaining the site plantings for six months.

Contractor has completed all work required by the contract.

Previous Board Actions

On August 27, 2019, the Board adopted the plans and specifications and authorized advertisement for bids for the construction of the Project.

On October 22, 2019, the Board awarded the subject contract to Ecological Concerns, Inc. in the amount of \$144,500.00 and approved a contingency fund of \$14,450. The Board authorized the Engineering Unit Manager to approve individual change orders up to the total amount of the contingency.

Contract Change Orders

Two (2) contract change orders totaling \$13,735.63 were executed for this contract to address various issues, including modification to irrigation point of connection, District-requested changes, and extended plant maintenance period to provide further care through the Spring growing season. These changes included:

- A. \$52.37 credit for moving the irrigation mainline point of connection and additional work to prepare the storm water pollution prevention plan.
- B. \$13,788 for additional work required to maintain the plants for three additional months.

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	\$144,500.00	\$14,450.00
Change Order No. 1 (staff approved)	<\$52.37>	\$52.37
Change Order No. 2 (staff approved)	\$13,788.00	<\$13,788.00>
Final Contract Amount and Remaining Contingency	\$158,235.63	\$714.37

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 after acceptance of the work by the Board. The Notice of Completion of the Contract and Acceptance of Work is included as Attachment 1. The Designated Engineer has determined that the work has been completed, to the best of his knowledge, in accordance with the plans and specifications, and recommends acceptance. The Designated Engineer’s recommendation of construction contract

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 Valley Water 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.

Valley Water is currently withholding retention funds totaling five percent (5%) of the contract amount (\$7,911.78) in accordance with the Public Contract Code. Per the construction contract documents, Valley Water 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.

Recording a Notice of Completion is recommended for the work.

Project Expenditures

As indicated in the Summary of Construction Contract and Contingency Amounts (Table 1), the original contract amount of \$144,500.00 has been increased by \$13,735.63 to \$158,235.63, an increase of 9.5 percent.

FINANCIAL IMPACT:

The RWTP Reliability Improvement Project is included in the Five-Year 2021-25 Capital Improvement Program and in the Board-adopted FY 2020-21 Budget. There is sufficient funding in the Project's Fiscal Year 2020-21 Budget to cover the cost of the construction cost increase from \$144,500.00 to \$158,235.63 and this additional amount was encumbered by the board when the construction contract was awarded.

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
- Attachment 2: Construction Contract Acceptance
- Attachment 3: Project Completion Letter
- Attachment 4: Construction Photos
- Attachment 5: Project Delivery Process Chart

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UNCLASSIFIED MANAGER:
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