



Santa Clara Valley Water District

File No.: 19-0097

Agenda Date: 2/12/2019

Item No.: 3.3.

BOARD AGENDA MEMORANDUM

SUBJECT:

Notice of Completion of Contract and Acceptance of Work for the Coyote Creek Levee Rodent Damage Repair Project, Upstream of State Route 237, PMK Contractors LLC, Contractor, Project No. 62084001, Contract No. C0639 (San Jose) (District 3).

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 at the Santa Clara County Clerk-Recorder.

SUMMARY:

The Construction Contractor, PMK Contractors, LLC (PMK), has completed the Coyote Creek Levee Rodent Damage Repair Upstream of State Route (SR) 237 Project (Project). The construction contract was awarded by the Board on May 22, 2018 in the amount of \$1,122,900.00 plus a 10% contingency of \$113,000.00. The civil construction component of the Project was completed on Oct 15, 2018 and the final contract amount of the project is \$911,254.00. Subject to any withholds required by law or the contract, acceptance of the work by the Board will allow for the release of \$44,112.70 in retention to the contractor.

The objective of the Project was to address the rodent damage along the inboard levee of the U.S. Army Corps of Engineer's certified Coyote Creek facility, and to minimize the threat of erosion to the impacted areas.

The Project included the following major items of work:

1. Compliance with NPDES General Permit and Stream Maintenance Program-2 Permits, including Storm Water Pollution Prevention Plan preparation, and installation of BMP's;
2. Clearing and grubbing within the project limits, including the removal of vegetation, and other miscellaneous items;
3. Levee excavation and reconstruction, including compaction testing of material, as required, in order to re-establish the channel as-built geometry;
4. Installation and anchoring of chain-link-fabric along the finished surface of the levee slopes;
5. Control of water, including but not limited to proper handling of groundwater flows that are byproducts of the required construction;

6. Resurfacing the existing maintenance access road with asphalt concrete trail;
7. Hydroseed application after completion of levee reconstruction and on staging areas;
8. Traffic control;
9. Establishment of construction staging areas;
10. Three (3)-year chain-link-fabric mesh maintenance and hydroseed establishment period;
11. Coordination of Trail closure activities with the City of San Jose and neighboring business community;
12. Other miscellaneous construction work and items necessary to satisfactorily complete the work.

Contract Change Orders

No contract change orders were executed for this contract. Various cost reduction for quantity adjustments attributed by value engineering; non-implementation of supplemental bid items such as winterization for early termination of work, resulted in a net savings amount of \$211,646.00 less than the original contract award amount.

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

TABLE 1: SUMMARY OF CONSTRUCTION CONTRACT AND CONTINGENCY AMOUNTS

Description	Contract Amount	Contingency Amount
Original Contract (Board Approved)	\$1,122,900.00	\$113,000.00
Cost Reduction Net Savings	<\$211,646.00>	\$113,000.00
Final Contract Amount and Remaining Contingency	\$911,254.00	\$113,000.00

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 Contract and Acceptance of Work is included in 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 the Construction Contract Acceptance is included in Attachment 2. The Project Completion Letter is included in Attachment 3. Photos of the completed Project are included in PowerPoint Presentation of Construction Summary in Attachment 4. The Project Delivery Process Chart is included in Attachment 5.

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 at the Santa Clara County Clerk-Recorder. Interest payment on retention due to the contractor may be avoided by meeting the requisite deadlines.

The District is currently withholding retention funds totaling approximately five percent (5%) of the contract amount (\$44,112.70) 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 Project has been completed and no additional funding is recommended. As indicated in the Table 1, the original contract amount of \$1,122,900.00 was decreased to the final contract amount of \$911,254.00, a reduction of approximately 19%. The remaining unspent encumbrance amount of \$211,646.00 together with the originally approved 10% contingency fund of \$113,000.00, resulting in a total of \$324,646.00, will be released to the Watersheds Asset Rehabilitation Program (WARP) budget and will be available to be spent for the other future projects.

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 and Acceptance of Work
Attachment 2: Construction Contract Acceptance
Attachment 3: Project Completion Letter
Attachment 4: Construction Summary
Attachment 5: Project Delivery Process Chart

UNCLASSIFIED MANAGER:

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