



Santa Clara Valley Water District

File No.: 19-0208

Agenda Date: 3/12/2019

Item No.: 3.2.

BOARD AGENDA MEMORANDUM

SUBJECT:

Notice of Completion of Contract and Acceptance of Work for the Matadero Creek Sediment Removal and Erosion Repair Project from West Bayshore Roads to Louis Road (Palo Alto); and San Tomas Aquino Creek Erosion Repair Project, from Virginia Avenue to Smith Creek confluence (San Jose and Campbell), and from Williams Road to USGS Gage (San Jose), PMK Contractors, LLC, Project No. 62084001, Task No. 5188, Contract No. C0642 (Palo Alto, Campbell, and San Jose) (Districts 2, 4, and 7).

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 Matadero Creek Sediment Removal and Erosion Repair Project from West Bayshore Roads to Louis Road (Palo Alto); and San Tomas Aquino Creek Erosion Repair Project, from Virginia Avenue to Smith Creek confluence (San Jose and Campbell), and from Williams Road to USGS Gage (San Jose) Project (Project). The construction contract was awarded by the Board on July 10, 2018 in the amount of 1,650,750.00 plus a 10% contingency of \$165,075.00. The civil construction component of the Project was completed on Oct 30, 2018 and the final contract amount of the project is \$1,430,940.00. Subject to any withholds required by law or the contract, acceptance of the work by the Board will allow for the release of \$71,547.00 in retention to the contractor.

The City of Palo Alto (City) and the Santa Clara Valley Water District (District) entered into an agreement that the City would reimburse \$227,000.00 to the District for the reconstruction of the damaged left bank under West Bayshore Road at Matadero Creek caused by City's broken water main.

The objectives of the Project were:

- A) Reconstruct the damaged left bank (looking upstream) under West Bayshore Road at Matadero Creek (cost to be reimbursed by the City); B) Remove sediment from West

Bayshore Road to Louis Road at Matadero Creek; C) Rehabilitate the damaged concrete channel bed at San Tomas Aquino Creek from Virginia Avenue to Smith Creek confluence; and D) Rehabilitate the damaged concrete channel bed at San Tomas Aquino Creek from Williams Road to USGS Gage.

The Project included the following major items of work:

1. Compliance with National Pollutant Discharge Elimination System (NPDES) General Permit and Stream Maintenance Program-2 Permits, including Storm Water Pollution Prevention Plan preparation, and installation of Best Management Practices (BMPs);
2. Traffic control;
3. Clearing and grubbing within the project limits, including the removal of vegetation, and other miscellaneous items;
4. Sediment removal in Matadero Creek including testing and disposal;
5. Saw cut, demolition, and disposal of channel bank concrete lining;
6. Reconstruction of concrete bank lining with dowels into existing concrete, and weep holes;
7. Control of water; including dewatering system, pumps, force mains, and proper diversion of upstream drainage and channel flows;
8. Handling and disposal of groundwater flows that are byproducts of the required construction;
9. Handling of the City's Pump Station's discharge and diversion of storm drain runoff from outfalls;
10. Identification of utilities vertical and horizontal location;
11. Establishment of construction staging areas;
12. Cleaning of weep holes;
13. Non-shrink grouting;
14. Epoxy concrete repair in San Tomas Aquino Creek;
15. High early strength fiber reinforced concrete bonded layer for San Tomas Aquino Creek;
16. Construction of new concrete bank slope lining at Matadero Creek at West Bayshore Road;
17. Expansion joints within high early strength fiber reinforced concrete using fiberglass rebar;
18. Potholing and protection of existing utilities within and immediately adjacent to the project limits; and
19. 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, resulted in a net savings amount of \$219,810.00 less than the original contract award amount.

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

Description	Contract Amount	Contingency Amount
Original Contract (Board Approved)	\$1,650,750.00	\$165,075.00
Cost Reduction Net Savings	<\$219,810.00>	\$165,075.00
Final Contract Amount and Remaining Contingency	\$1,430,940.00	\$165,075.00

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 and 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.

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 (\$71,547.00) 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 \$1,650,750.00 was decreased to the final contract amount of \$1,430,940.00, a reduction of approximately 13.3%. The remaining unspent encumbrance amount of \$219,810.00 together with the originally approved 10% contingency fund of \$165,075.00, resulting in a total of saving of \$384,885.00 which will be released to the Watersheds Asset Rehabilitation Program (WARP) budget and will be available to be spent for the other future projects within WARP.

The City will reimburse \$227,000.00 to the District's Fund 12 for rebuilding the damaged left bank under West Bayshore Road.

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

UNCLASSIFIED MANAGER:

Ngoc Nguyen, 408-630-2632