



Santa Clara Valley Water District

File No.: 19-0253

Agenda Date: 3/26/2019

Item No.: 3.2.

BOARD AGENDA MEMORANDUM

SUBJECT:

Notice of Completion of Contract and Acceptance of Work for the Stevens Creek Bank and Access/Trail Road Repair Project, Downstream of El Camino Real (SR 82) Project, PMK Contractors, LLC, Project No. 62062003, Task No. 1062, Contract No. C0638 (Mountain View) (District 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:

On August 18, 2017, the CEO declared that the failed condition of the maintenance Access/Trail road and bank condition along Stevens Creek constituted an emergency pursuant to California Public Contract Code 22050. In November 2017, the Santa Clara Valley Water District (District) completed emergency bank erosion repairs downstream of Stevens Creek from El Camino Real to mitigate additional erosion damages until a permanent fix could be completed the following year in 2018. On November 28, 2017, the Board terminated the emergency action on completion of temporary emergency bank repair

On April 24, 2018, the Board Authorized Advertisement of Bids for Construction of permanent repair of the Stevens Creek Bank and Access/Trail Road Repair Project, Downstream of El Camino Real (SR 82) (Project).

The construction contract for this Project was awarded by the Board on June 12, 2018 in the amount of \$1,110,300.00 plus a 10% contingency of \$111,030.00 to the lowest bidder PMK Contractors, LLC (PMK).

PMK has completed the civil construction component of the Project on November 4, 2018. The final contract amount of the project is \$918,716.00. Subject to any withholds required by law or the contract, acceptance of the completed work by the Board will allow for the release of \$44,735.80 in retention to PMK.

The City of Mountain View (City) and the District entered into an agreement that the City would reimburse \$350,678.88 for the repair of the Access/Trail road. The City made full payment to the

District on February 16, 2019.

The objective of the Project:

Address the creek bank damage and repair the access/trail road along the easterly slope of Stevens Creek facility, protect the adjacent property, and to minimize the threat of erosion to the impacted areas.

The Project included the following major items of work:

1. Compliance with National Pollution Discharge Elimination System General Permit and Stream Maintenance Program-2 Permits, including Storm Water Pollution Prevention Plan preparation, and installation of Best Management Practices;
2. Traffic control;
3. Coordination of Trail closure activities with the City of Mountain View and neighboring business community;
4. Establishment of construction staging areas;
5. Control of water, including but not limited to installation of a creek diversion system;
6. Clearing and grubbing within the project limits, including the removal of vegetation, and other miscellaneous items;
7. Creek bank excavation and reconstruction to follow up emergency soldier-pile wall work constructed in Fall 2017;
8. Installation of a new asphalt maintenance/multi-use trail and fences;
9. Three-year willow planting and hydroseed establishment period; and
10. 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 reductions for quantity adjustments including the District's procurement of two root wads for \$19,344.00 and partial non-implementation of supplemental bid items, such as winterization for early termination of work, resulted in a net savings amount of \$191,584.00 less than the original contract award amount.

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

TABLE1: SUMMARY OF CONSTRUCTION CONTRACT AND CONTINGENCY AMOUNTS

Description	Contract Amount	Contingency Amount
Original Contract (Board Approved)	\$1,110,300.00	\$111,030.00
Cost Reduction Net Savings	<\$191,584.00>	\$111,030.00
Final Contract Amount and Remaining Contingency	\$918,716.00	\$111,030.00

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 (\$44,735.80) 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:

As indicated in Table 1, the original contract amount of \$1,110,030.00 was decreased to the final contract amount of \$918,716.00, a reduction of 17%. The remaining unspent encumbrance amount of \$191,584.00 together with the originally approved 10% contingency fund of \$111,030.00, resulting in a total of \$302,614.00, will be released to Fund 12.

The total Project cost for Emergency and Permanent Work including planning, design, and construction is \$2,928,778.09. The District's portion of the Project cost is \$2,578,099.21. The City of Mountain View's cost portion is \$350,678.88.

The City of Mountain View made full payment of \$350,678.88 on February 16, 2019 to Fund 12 for the repair of the Access/Trail Road.

District's follow-up action:

The District is requesting reimbursement from FEMA for 75% of the District's Project Cost and Cal OES for 18% of the District's Project Cost for the Emergency and Permanent Repair of the Project for a total of \$2,578,099.21 through the FEMA/Cal OES Project Closeout Process.

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: Construction Summary
- Attachment 5: Project Delivery Process Chart

UNCLASSIFIED MANAGER:

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