



Santa Clara Valley Water District

File No.: 19-0317

Agenda Date: 4/9/2019

Item No.: 3.2.

BOARD AGENDA MEMORANDUM

SUBJECT:

Notice of Completion of Contract and Acceptance of Work for the Almaden Valley Pipeline Emergency Response Support Project, Con-Quest Contractors, Inc., Contractor, Project No. 95084002, Contract No. C0640 (San Jose, Unincorporated Santa Clara County) (Districts 4 and 7).

RECOMMENDATION:

- A. Accept the work as complete on the Almaden Valley Pipeline Emergency Response Support Project, Con-Quest Contractors, Inc., Contractor, Project No. 95084002, Contract No. C0640; 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 County of Santa Clara Office of the Clerk-Recorder.

SUMMARY:

The construction contractor, Con-Quest Contractors, Inc., has completed the Almaden Valley Pipeline Emergency Response Support Project (Project). The construction contract was awarded in the amount of \$1,000,000 and the final contract amount is \$689,379. Subject to any withholds required by law or the contract, acceptance of the work by the Board will allow for the release of \$34,468.95 in retention to the contractor.

Project Background

As part of the 10-Year Pipeline Inspection and Rehabilitation Program, Almaden Valley Pipeline (AVP) inspection activities were performed on November 21-22, 2017, when several significantly-distressed Prestressed Concrete Cylinder Pipe (PCCP) sections were identified on AVP between Santa Teresa Force Main and Calero Reservoir. The District could not return AVP to operation until the distressed pipe sections were repaired.

On December 5, 2017, the CEO declared that the condition of AVP constituted an emergency condition, pursuant to California Public Contract Code §22050, which enabled timely procurement of necessary construction contract services, and other public works and non-professional services, supplies and essential equipment, without a competitive procurement process, in order to attend to the emergency condition.

Pursuant to the Public Contracting Code §22050 and the emergency declaration by the CEO, District

staff awarded a sole source construction contract to support the emergency response to Con-Quest Contractors, Inc. The CEO executed Contract C0640, Almaden Valley Pipeline Emergency Response Support on April 27, 2018.

The objective of the Project was to provide various construction support activities necessary to promptly repair AVP to a safe and reliable service level to meet minimum water supply demands and the District's contractual obligation for water deliveries.

The Project included the following elements:

1. Exploratory excavation to expose buried pipe sections along AVP to support District's investigation to determine condition of existing pipes.
2. Site support for District's third-party Carbon Fiber Reinforced Polymer (CFRP) contractor by providing traffic control, groundwater and pipeline dewatering efforts, installation and removal of temporary sound panels for noise control, and miscellaneous support services as directed by the District.
3. Development, maintenance, and demobilization of staging area and repair areas at various locations to support District's third-party CFRP contractor, including installation and removal of temporary fencing, power, lighting, and sanitary facilities.
4. Environmental compliance measures including biological monitoring services and installation and maintenance of stormwater best management practices measures.

Previous Board Actions

On December 12, 2017, the Board voted to continue the emergency action declared by the CEO on December 5, 2017, pursuant to California Public Contract Code §22050, to repair the AVP.

Subsequently, the emergency action declaration was continued by the Board on the following Board meeting dates: January 9, 2018, January 23, 2018, February 13, 2018, February 27, 2018, March 13, 2018, March 27, 2018, April 10, 2018 and April 24, 2018.

On May 8, 2018, with the completion of emergency repair work, the Board received an update on the termination of the emergency action declared by the CEO on December 5, 2017.

Contract Change Orders

A total of one (1) contract change order was executed for this contract. This contract change order resulted in a credit and a decrease to the original contract amount by \$310,621. As a result, the original contract amount was decreased from \$1,000,000 to \$689,379 - a decrease of approximately 31 percent.

The change order included credits for bid item adjustments based on actual work performed.

Table 1 presents a summary of the construction contract amount.

TABLE 1. SUMMARY OF CONSTRUCTION CONTRACT

	Contract Amount
Original Contract	\$1,000,000.00
Change Order No. 1 (staff approved)	<\$310,621.00>
Final Contract Amount	\$689,379.00

Acceptance of the Work and Recording Notice of Completion of Contract

The California Civil Code allows an owner or agent to execute a Notice of Completion of Contract after 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 her knowledge, in accordance with the contract documents, 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. 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. 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 (\$34,468.95) 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.

Project Expenditures

As indicated in the Summary of Construction Contract and Contingency Amounts (Table 1), the original contract amount of \$1,000,000 has been decreased by \$310,621 to \$689,379, a decrease of approximately 31 percent.

FINANCIAL IMPACT:

Total financial costs were detailed in previous sections of the agenda memorandum. The Project has

been completed and 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 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:

Katherine Oven, 408-630-3126