



# Santa Clara Valley Water District

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**File No.:** 19-0795

**Agenda Date:** 9/10/2019

**Item No.:** 3.3.

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## BOARD AGENDA MEMORANDUM

### **SUBJECT:**

Accept the Work as Complete, and Direct the Clerk to File the Notice of Completion of Contract and Acceptance of Work for the Gold Street Median Removal Project, Project No. 00761023, Silicon Valley Paving, Inc., Contractor, Contract No. C0646 (San Jose) (District 3).

### **RECOMMENDATION:**

- A. Accept the work as complete on the Gold Street Median Removal Project, Project No. 00761023, Contract No. C0646; 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:**

A 200-linear-foot median on Gold Street, a high-density roadway in San Jose, was removed to provide improved access to Pond A8. Pond A8, a U.S. Fish and Wildlife Service facility, is one of the sites used by Santa Clara Valley Water District (Valley Water) to transport and place excavated sediment from creek sites. The removal of the median is expected to make Valley Water's sediment transport trucking operations more efficient and improve traffic flow along Gold Street and the surrounding community.

On February 26, 2019, the Board approved the plans and specifications and authorized advertisement for bids for the construction of the Gold Street Median Removal Project (Project).

On April 9, 2019, the Board awarded the subject contract to Silicon Valley Paving, Inc. (Contractor) in the amount of \$74,993 and approved a contingency sum of \$7,500. The Board authorized the Operations & Maintenance Engineering Support Unit Manager to approve individual change orders up to the designated amount.

The Contractor has completed the Project. Subject to any withholdings required by law or the contract, acceptance of the work by the Board will allow for the release of \$4,114.11 in retention to the Contractor.

### ***Contract Change Orders***

A contract change order totaling \$7,289.24 was executed for this contract to make changes to address various issues, including unforeseen site conditions and Valley Water requested changes.

**TABLE 1. SUMMARY OF CONSTRUCTION CONTRACT  
AND CONTINGENCY AMOUNTS**

	<b>Contract Amount</b>	<b>Contingency Amount</b>
<b>Original Contract</b>	<b>\$74,993.00</b>	<b>\$7,500.00</b>
Change Order No. 1 (staff approved)	\$7,289.24	<\$7,289.24>
<b>Proposed Final Contract Amount and Remaining Contingency</b>	<b>\$82,282.24</b>	<b>\$210.76</b>

### ***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 plans and specifications, and recommends acceptance. The Designated Engineer's recommendation of construction work acceptance is included in Attachment 2. The Project Completion Letter is included as Attachment 3. A photo of the completed Project is 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 of \$4,114.11 or five percent of the contract amount 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.

### **FINANCIAL IMPACT:**

As indicated in the Summary of Construction Contract and Contingency Amounts (Table 1), the original contract amount was \$74,993. Contract Change Order No. 1 increased the total contract amount to \$82,282.24, an increase of approximately 9.7 percent. No additional funding is recommended.

### **CEQA:**

The recommended action does not constitute a project under CEQA because it does not have a

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potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

**ATTACHMENTS:**

Attachment 1: Notice of Completion of Contract/Acceptance of Work

Attachment 2: Construction Contract Acceptance

Attachment 3: Project Completion Letter

Attachment 4: Project Overview

Attachment 5: Project Delivery Process Chart

**UNCLASSIFIED MANAGER:**

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