



Santa Clara Valley Water District

File No.: 19-0951

Agenda Date: 1/14/2020

Item No.: 3.2.

BOARD AGENDA MEMORANDUM

SUBJECT:

Receive and Direct the Clerk to File the Notice of Completion of Contract and Acceptance of Work for the San Tomas Aquino Creek Erosion Repair, From United States Geological Survey Gage Near Williams Road to Virginia Avenue, and Barron Creek Concrete Repair at Bryant Street Project, Bosco Constructors, Inc., Contractor, Project No. 62084001, Contract No. C0647 (Palo Alto, Campbell, San Jose) (Districts 2, 4, 7).

RECOMMENDATION:

- A. Accept the work on the San Tomas Aquino Creek Erosion Repair, from United States Geological Survey Gage near Williams Road to Virginia Avenue for approximately 2.1 miles long, and Barron Creek Concrete Repair at Bryant Street Project, Project No. 62084001, Contract No. C0647 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 Office of the Clerk-Recorder.

SUMMARY:

The Construction Contractor, Bosco Constructors, Inc. (Bosco), has completed the San Tomas Aquino Creek Erosion Repair, from United States Geological Survey Gage (USGS) near Williams Road to Virginia Avenue for approximately 2.1 miles long, and Barron Creek Concrete Repair at Bryant Street Project (Project). The construction contract was awarded by the Board on June 11, 2019 in the amount of \$2,685,250 plus a 10% contingency of \$268,525. The Project was completed on September 30, 2019 and the final contract amount of the project is \$2,675,252. Subject to any withholds required by law or the contract, acceptance of the work by the Board will allow for the release of \$133,762.60 in retention to the Contractor

The objective of the Project: A) rehabilitate the damaged concrete channel bed and channel side slopes at San Tomas Aquino Creek from USGS Gage (near Williams Road) to Virginia Avenue for approximately 2.1 miles long; and B) replace the damaged concrete channel under the Barron Creek Bridge at Bryant Street.

The Project included the following major items of work:

- 1. Compliance with Stream Maintenance Program 2 (SMP2) Permits and installation of Best

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- Management Practices;
2. Photographic/video documentation, pre-construction and post-construction survey photos and videos;
 3. Site, noise and vibration monitoring;
 4. Traffic control for the project upon approval by the Cities of Campbell, San Jose, Palo Alto, and County of Santa Clara Roads and Airports Department as required;
 5. Clearing and grubbing within the project limits, including the removal of vegetation, and other miscellaneous items;
 6. Control of water; including dewatering system, pumps, force mains, and proper diversion of upstream drainage and channel flows; proper handling and disposal of groundwater flows that are byproducts of the required construction; water quality, sampling, monitoring, and reporting per the SMP2 permits requirements; proper handling and diversion of storm drain runoff from outfalls;
 7. Identification of utilities vertical and horizontal location;
 8. Establishment and maintenance of construction staging areas;
 9. Cleaning of weep holes at San Tomas Aquino Creek;
 10. Spot repair concrete alongside slopes at San Tomas Aquino Creek;
 11. Non-shrink grouting at San Tomas Aquino Creek;
 12. High early strength fiber reinforced concrete bonded layer along the bed of the San Tomas Aquino Creek;
 13. Expansion joints within high early strength fiber reinforced concrete using fiberglass rebar at San Tomas Aquino Creek;
 14. Working adjacent to, delineating of and demarcation of existing bridges, utility facilities (including overhead utility lines, etc.);
 15. Potholing and protection of existing utilities within and immediately adjacent to the project limits, as needed;
 16. Other miscellaneous construction work and items necessary to satisfactorily complete the work;
 17. Remove and reconstruct chain link fence as needed for access at Barron Creek;
 18. At Barron Creek, perform pre-construction cleaning and video inspection of the Existing City of Palo Alto 8" VCP Sewer Line;
 19. Removal of the existing concrete slab underneath the Barron Creek Bridge at Bryant Street, and excavation of existing ground as required to construct new aggregate base and reinforced concrete slab;
 20. Repairing spalled concrete surface area on the underside of the bridge deck and on the bridge wingwall at Barron Creek;
 21. At Barron Creek, perform post-construction cleaning and video inspection of the Existing City of Palo Alto 8" VCP Sewer Line.

Contract Change Orders

One contract change order was executed for this contract. Various cost reduction for quantity adjustments attributed by value engineering; non-implementation of supplemental bid item such as winterization for early termination of work, resulted in a net savings amount of \$9,998 which is 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)	\$2,685,250	\$268,525
Change Order No. 1 (Staff Approved): Cost Reduction	(\$9,998)	
Final Contract Amount and Remaining Contingency	\$2,675,252	\$268,525

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 recommendation letter of the Construction Contract Acceptance is included in Attachment 2. The Project Completion Letter addressed to the contractor is included in Attachment 3. Photos of pre-construction, during construction, and post-construction of the completed Project are included as Construction Summary 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 of Contract 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.

Valley Water is currently withholding retention funds totaling approximately five percent (5%) of the contract amount (\$133,762.60) 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:

The Project has been completed and no additional funding is recommended. As indicated in Table 1, the original contract amount of \$2,685,250 was decreased to the final contract amount of \$2,675,252. The remaining unspent encumbrance amount of \$9,998 together with the originally approved 10% contingency fund of \$268,525, resulting in a total of \$278,523, will be released to the Watersheds Asset Rehabilitation Program (WARP) budget and will be available to be spent for the other future WARP projects.

In addition, Valley Water will be reimbursed in the amount of \$214,804.50 from the City of Palo Alto per agreement to repair the Barron Creek concrete channel under Bryant Street bridge which was caused by the City's water line breakage.

CEQA:

The recommended action does not constitute a project under California Environmental Quality Act 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 Contract/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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