



Santa Clara Valley Water District

File No.: 20-0571

Agenda Date: 8/11/2020

Item No.: 3.3.

BOARD AGENDA MEMORANDUM

SUBJECT:

Notice of Completion of Contract and Acceptance of Work for the Vasona Pump Station Fence and Gate Replacement Project Phase 1, AAA Fence Company, Inc., Contractor, Project No. 92764009, Contract No. 0654 (Los Gatos) (District 7).

RECOMMENDATION:

- A. Accept the work as complete for Vasona Pump Station Fence and Gate Replacement Project Phase 1, Project No. 92764009, Contract No. C0654; 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, AAA Fence Company, Inc., has completed the Vasona Pump Station Fence and Gate Replacement Project Phase 1 (Project). The construction contract was awarded in the amount of \$215,765.00 and the final contract amount is \$207,679.96. Subject to any withholds required by law or the contract, acceptance of the work by the Board will allow for the release of \$10,384.00 in retention to the contractor.

Project Background

The objective of the Vasona Pump Station Fence and Gate Replacement Project Phase 1 is to enhance the physical security of the facility. Project scope includes replacement of 1,600 linear feet (LF) of existing 6-foot high fencing with 8-foot high mini-mesh chain-link fence; installing 500 LF of new fencing along other segments of Valley Water's property line; replacing one existing and installing two new 6-foot wide pedestrian gates; replacing three existing and installing one new 24-foot long and one 10-foot long manual vehicular gate; and installing one new automatic vehicular security gate.

The Contractor has completed all work required by the contract.

Previous Board Actions

On June 11, 2019, the Board held a public hearing and adopted Resolution 19-51 approving the Engineer's Report and approved the Project.

On September 10, 2019, the Board adopted the plans and specifications and authorized advertisement for bids for the Project.

On November 26, 2019, the Board awarded the subject contract to AAA Fence Company, Inc. in the amount of \$215,765.00 and approved a contingency fund of \$21,576.00. The Board authorized the Chief Executive Officer (CEO) or designee to approve individual change orders up to the total amount of the contingency, with the Engineering Unit Manager as the designee to approve individual changes up to the total contingency amount.

Contract Change Orders

One contract change order totaling the credit amount of \$8,085.04 was executed for this contract. Changes included:

- A. \$1,205.44 for additional work required to repair loose or missing fence foundation posts along the existing fence alignment.
- B. \$505.02 for staff-requested changes to add additional bottom rails to close gaps underneath the fence.
- C. <\$9,795.50> for credits back to the contract as a result of a reduction in the quantity of fence mesh fabric.

TABLE 1. SUMMARY OF CONSTRUCTION CONTRACT
AND CONTINGENCY AMOUNTS

	Contract Amount	Contingency Amount
Original Contract	\$215,765.00	\$21,576.00
Change Order No. 1 (staff approved)	<\$8,085.04>	\$8,085.04
Final Contract Amount and Remaining Contingency	\$207,679.96	\$29,661.04

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 his knowledge, in accordance with the plans and specifications, 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 the Construction Summary as 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 totaling five percent (5%) of the contract items 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.

Recording a Notice of Completion is recommended for the work.

Total Project Expenditures

The original contract amount of \$215,765.00 has been reduced by \$8,085.04 to \$207,679.96, a decrease of approximately 3.7 percent.

FINANCIAL IMPACT:

The Project has been completed and no additional funding is required.

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 Photos
- Attachment 5: Project Delivery Process Chart

UNCLASSIFIED MANAGER:

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