



Santa Clara Valley Water District

File No.: 22-0506

Agenda Date: 5/10/2022

Item No.: 3.4.

BOARD AGENDA MEMORANDUM

SUBJECT:

Approve Notice of Completion of Contract and Acceptance of Work for the Almaden Valley Pipeline Fiscal Year 2022 Emergency Carbon Fiber Reinforced Polymers (CFRP) Repair Project, Kiewit Infrastructure West Co., Contractor, Project No. 92764009, Contract No. C0680 (San Jose) (District 7).

RECOMMENDATION:

- A. Accept the work on the Almaden Pipeline FY22 Emergency CFRP Repair Project, Kiewit Infrastructure West Co., Contractor, Project No. 92764009, Contract No. C0680 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 to the Santa Clara County Clerk-Recorder.

SUMMARY:

The construction contractor, **Kiewit Infrastructure West Co.**, has completed the Almaden Valley Pipeline (AVP) FY22 Emergency CFRP Repair Project (Project). The construction contract was awarded by the Chief Executive Officer (CEO) pursuant to an emergency declaration in accordance with Public Contract Code §22050, in the Not to Exceed (NTE) amount of **\$1,950,000.00** and the final contract amount is **\$1,663,514.68**. Subject to any withholds required by law or the contract, acceptance of the work by the Board will allow for the release of **\$83,175.73** in retention to the contractor.

Project Background

On November 2, 2021, 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 to attend to the emergency condition. In accordance with Public Contract Code §22050, the Board voted by four-fifths votes at every regularly scheduled Board meeting to continue the emergency action until the CEO terminated the emergency on January 18, 2022.

The Project repaired the distressed section of Prestressed Concrete Cylinder Pipe (PCCP) and restored the pipeline to a safe and reliable service in order to meet the minimum water supply demands in accordance with Santa Clara Valley Water District's (Valley Water) contractual

obligations.

The Project rehabilitated six (6) 78-inch diameter PCCP segments that convey raw water to Valley Water's treatment plants and to groundwater recharge facilities. Pipe sections were repaired using reinforced carbon fiber on the inside surface of the distressed pipes.

Previous Board Actions

On November 9, 2021, the Board voted to continue the emergency action declared by the CEO on November 2, 2021, pursuant to California Public Contract Code §22050, to repair the distressed pipe segments of PCCP on the AVP. Subsequently, the emergency action declaration was continued by the Board on November 23, 2021, December 14, 2021, and January 11, 2022. The CEO terminated the Emergency on January 18, 2022.

Contract Change Orders

One (1) contract change order for a total reduction was executed for this contract to credit the balance of the not-to exceed amounts from the original bid items. Favorable site conditions, sufficient resources, and adjustments to the construction schedule resulted in a reduction in overall costs. Final costs were determined on a force account basis for the actual work performed.

Table 1 presents a summary of the construction contract amounts.

TABLE 1. SUMMARY OF CONSTRUCTION CONTRACT AMOUNTS

	Contract Amount
Original Contract	\$1,950,000.00
Change Order No. 1 (staff approved)	\$286,485.32
Final Contract Amount	\$1,663,514.68

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. A summary presentation of the completed Project is included 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 (\$83,175.73) 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.

Project Expenditures

As indicated in the Summary of Construction Contract and Contingency Amounts (Table 1), the original contract amount of \$1,950,000 has been decreased by \$286,485.32 to \$1,663,514.68, a decrease of approximately 14.7 percent (14.7%).

ENVIRONMENTAL JUSTICE IMPACT:

There are no Environmental Justice impacts associated with this item.

FINANCIAL IMPACT:

The AVP Fiscal Year 2021-22 Emergency CFRP Repair costs are within the available funds for Raw Water T&D Small Cap Project (92764009). Total financial costs were detailed in previous sections of this memorandum. 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/Acceptance of Work
Attachment 2: Contract Acceptance Recommendation
Attachment 3: Project Completion Letter
Attachment 4: PowerPoint

UNCLASSIFIED MANAGER:

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