



Legislation Details (With Text)

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Title: Department of Transportation recommending the Board consider the following:
1) Approve and authorize the Chair to sign the Notice of Acceptance with Martin General Engineering, Inc., for the Merrychase and Country Club - Sidewalks, Class II/III Bikepath and Silva Valley Parkway/Harvard Way Improvements Projects, Capital Improvement Program project numbers 72312/36105025 and 72378/36105036, Contract 4546; and
2) Approve and authorize the Clerk of the Board to release the Payment and Performance Bonds to the Surety upon notification from the Department of Transportation, after the one-year guarantee period.

FUNDING: Congestion Mitigation and Air Quality (46%), Urban Surface Transportation Block Grant Program (50%), and Regional Surface Transportation Program Exchange and Match Funds - Caltrans (4%). (Federal Funds)

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Notice of Acceptance

Date	Ver.	Action By	Action	Result
9/27/2022	1	Board of Supervisors	Approved	Pass

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DISCUSSION / BACKGROUND

The contract for the Merrychase and Country Club - Sidewalks, Class II/III Bikepath and Silva Valley Parkway/Harvard Way Improvements Projects (Project) was awarded by the Board on June 8, 2021 (Legistar 21-0881, Item 42). All work was completed by August 9, 2022. Recordation of the Notice of Acceptance (NOA) will start legal time frames for guarantees, a lien period, and return of retention monies. Recordation of the NOA will also start the one-year time frame for releasing the Payment and Performance Bonds to the Surety.

Direct Construction Cost Summary:

Original Bid Price	\$ 1,161,225.00
Contract Item Cost	\$ 1,224,046.14
Contract Change Order Cost	\$ 206,155.60
Total Direct Construction Cost	\$ 1,430,201.74

Major Contract Change Orders (CCO) on the Project dealt with the following:

- Additional tree removal.
- Relocation of existing irrigation systems.
- Additional utility potholing work.
- Protecting existing utilities in-place.
- Additional asphalt removal and concrete placement.
- Additional placement of concrete retaining curb.
- Improvements to an existing fire access driveway.
- Installation of a tubular railing at a new sidewalk ramp.
- Reconstruction of a retaining wall and sidewalk section to accommodate utility vault adjustments.

The Board approved CCO #3 on May 10, 2022 (Legistar 22-0728, Item 28) which included most of these listed tasks. The Board authorized a contingency budget of \$116,122.50 or 10% of the original contract amount. CCO #3 increased the cumulative value of all CCOs on the Project to 18.0% of the original contract amount. Funding was provided with unused Urban STBGP and CMAQ funds programmed to the Project prior to receiving the awarded low bid.

The final costs listed have been reviewed and agreed in writing by the Contractor. Upon Board approval of the NOA, Transportation will submit the proposed final estimate to Martin General Engineering, Inc.

ALTERNATIVES

The Board could choose not to approve the NOA. Transportation staff would make modifications as directed by the Board and return for Board approval of the NOA. This would delay the release of the Payment and Performance Bonds and extend the Contractor's warranty period.

PRIOR BOARD ACTION

On April 20, 2021 (Legistar 21-0495, Item 19) the Board approved the Project for advertisement for bids.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

N/A

CAO RECOMMENDATION

Approve as recommended.

FINANCIAL IMPACT

There is no change to net County cost associated with this item. The Project is budgeted in Transportation's 2022 CIP, which was approved by the Board on June 14, 2022 (Legistar 22-0521, Item 48), and funded by Congestion Mitigation and Air Quality Funds, Urban Surface Transportation Block Grant Program Funds, and Regional Surface Transportation Program Exchange and Match

Funds - Caltrans.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) The Clerk of the Board will obtain the Chair's signature on one (1) original of the NOA.
- 2) The Clerk of the Board will send the fully executed original of the NOA to the Recorder/Clerk's Office for recordation within ten (10) days and forward a copy of the recorded NOA to Transportation, Fairlane Engineering, Attention: Shanann Findley.
- 3) One (1) year after the recordation of the NOA, Transportation will verify that all warranty work, if any, has been satisfactorily completed and will notify the Clerk of the Board in writing to release the Payment and Performance Bonds.

STRATEGIC PLAN COMPONENT

Infrastructure

CONTACT

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Department of Transportation