



COUNCIL REPORT

DATE: May 28, 2024

CATEGORY: Consent

DEPT.: Public Works

TITLE: **Street Resurfacing and Slurry Seal Program (Leong Drive and Fairchild Drive), Project 21-01, and Sylvan Park Trellis Replacement and Sand Volleyball Court, Projects 21-47 and 21-46— Construction Acceptance**

RECOMMENDATION

1. Accept Street Resurfacing and Slurry Seal Program (Leong Drive and Fairchild Drive), Project 21-01, and authorize the final contract payment.
2. Accept Sylvan Park Trellis Replacement and Sand Volleyball Court, Projects 21-47 and 21-46, and authorize the final contract payment.

BACKGROUND AND ANALYSIS

“Acceptance” of a construction contract is a legal event recognized by state law when the City verifies the contractor has satisfactorily completed a public project. Once accepted, the work on the public project is complete and other actions occur, such as final payment to the contractor, and the release of bonds obtained by the contractor that ensure completion of the project. Following acceptance, the City becomes responsible for maintenance of the public project.

Street Resurfacing and Slurry Seal Program (Leong Drive and Fairchild Drive), Project 21-01

On [June 28, 2022](#), Council took the following actions:

1. Approved plans and specifications;
2. Authorized staff to advertise for bids; and
3. Authorized the City Manager or designee to award a construction contract to the lowest responsible bidder if the low bid was within the project budget.

The contract was awarded to O’Grady Paving, Inc., of Mountain View at the low-bid price of \$2,056,038. This project included pavement rehabilitation; upgrading existing curb ramps to Americans with Disabilities Act (ADA) standard; repairing concrete sidewalk, curb, and gutter;

installing bicycle-friendly storm drain inlet grates; reinstalling traffic detector loops; installing pavement markings and striping; and installing green bike-line markings.

The final construction cost of \$2,042,233 is within the construction contract amount of \$2,056,038 and included two change orders totaling \$104,816 and a final quantity adjustment change order resulting in contract savings of \$13,805. All work has been completed in accordance with the approved plans and specifications.

Sylvan Park Trellis Replacement and Sand Volleyball Court, Projects 21-47 and 21-46

On [June 28, 2022](#), Council took the following actions:

1. Authorized the transfer and appropriation of \$795,000 from the Park Land Dedication Fund to Sylvan Park Sand Volleyball Court, Project 21-46.
2. Authorized the transfer and appropriation of \$550,000 from Sylvan Park Trellis Replacement, Project 21-47, to Sand Volleyball Court, Project 21-46.
3. Approved plans and specifications.
4. Authorized staff to advertise both projects for bids.
5. Authorized the City Manager or designee to award a construction contract to the lowest responsible bidder if the low bid was within the project budget.

The contract for both projects was awarded to Guerra Construction Group of Santa Clara at the low-bid price of \$1,180,243. Sylvan Park Trellis Replacement, Project 21-47, included the removal and construction of a trellis structure to replace the existing trellis surrounding part of the amphitheater, replacement of existing wisteria, concrete flatwork, and site furniture under the trellis structure. Sand Volleyball Court, Project 21-46, included construction of a new sand volleyball court to replace the existing horseshoe pit at Sylvan Park, demolition and removal of decomposed granite and turf, grading and drainage, and modifications to existing irrigation.

The final construction cost of \$1,153,959 is within the construction contract amount of \$1,180,243 and included one change order for a total amount of \$23,104 and a final quantity adjustment change order resulting in contract savings of \$26,284. All work has been completed in accordance with the approved plans and specifications.

FISCAL IMPACT

Street Resurfacing and Slurry Seal Program (Leong Drive and Fairchild Drive), Project 21-01

Street Resurfacing and Slurry Seal Program (Leong Drive and Fairchild Drive), Project 21-01, is funded with \$765,000 from the Construction/Conveyance Tax Fund, \$1,062,000 from the Gas Tax Fund, \$156,000 from the Citywide Transportation Impact Fund, and \$1 million from the VTA Measure B Tax Fund, for a total project budget of \$2,983,000.

The total project expenditure is estimated to be approximately \$2,578,911 and is within the allotted budget, including design, project administration, construction management, inspection, and other costs. Any remaining funds will be returned to the Construction/Conveyance Tax Fund once the project is closed.

Sylvan Park Trellis Replacement and Sand Volleyball Court, Project 21-47 and 21-46

Sylvan Park Trellis Replacement, Project 21-47, is funded in the amount of \$300,000, and Sylvan Park Sand Volleyball Court, Project 21-46, is funded in the amount of \$1,780,000. Both projects are funded with Park Land Dedication Funds, for a total combined project budget of \$2,080,000.

The total project expenditure is estimated to be approximately \$1,940,769 and is within the allotted budget, including design, project administration, construction management, inspection, and other costs. Any remaining funds will be returned to the Park Land Dedication Fund once the projects are closed.

ALTERNATIVES

1. Determine that the improvements have not been completed in conformance with City standards and decline to accept the improvements until they are completed to the satisfaction of the City Council.
2. Provide other direction.

PUBLIC NOTICING—Agenda posting.

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