

AGREEMENT BETWEEN THE INTERNATIONAL BUSINESS MACHINES CORPORATION AND THE COUNTY OF SANTA CLARA FOR THE IMPROVEMENT OF BAILEY AVE. BETWEEN 4400' WEST OF SANTA TERESA BLVD. AND SANTA TERESA BLVD.

THIS AGREEMENT, made and entered into this JAN 7 1975 day of JAN 7 1975, 1975 by and between the International

Business Machines Corporation, a private corporation doing business in the State of California, hereinafter referred to as "IBM", and the County of Santa Clara, a political subdivision of the State of California, hereinafter referred to as "County":

WITNESSETH:

WHEREAS, the development of an IBM West Coast Programming Development Center by IBM at Bailey Ave. westerly of Santa Teresa Blvd. requires the improvement of Bailey Avenue from an existing 2 lane facility to a 4 lane facility between the proposed IBM westerly entrance, located approx. 4400' west of Santa Teresa Blvd and Santa Teresa Blvd., including the modification and signalization of the intersection of Bailey Ave. and Santa Teresa Blvd; all of which said improvements shall be hereafter referred to as "project"; and

WHEREAS, IBM is required to dedicate and to improve Bailey Ave. to half of the ultimate Bailey Ave. improvement in accordance with normal land development requirements; and

WHEREAS, it has been found that although IBM is required to dedicate and improve Bailey Ave. for the entire IBM frontage along Bailey Ave., the improvement of Bailey Ave. westerly of the proposed IBM westerly entrance is not necessary at this time; and

WHEREAS, the project limits of 4400' on Bailey Ave. include 2600' of IBM frontage and 1800' outside the IBM frontage, Bailey Ave. has been declared a County Expressway through a jointly executed agreement by the City of San Jose and the County. Santa Teresa Blvd.

Certified Copies to IBM, Trans Agency, cc: San Jose P.W., Finance & Counsel

JAN 7 1975

is also a County road and is considered a future County expressway;
and
and

WHEREAS, it is in the best interest of orderly and economic construction practices to complete the project through joint action of IBM and County and under a single construction contract, awarded and administered by County.

NOW, THEREFORE, the parties do agree to improve Bailey Avenue within the limits and scope of project in order to serve the need generated by the development of this IBM West Coast Program Development Center, subject to terms, provisions and conditions for cost sharing hereinafter set forth:

1. Scope of Project

The scope of this project encompasses the improvement of Bailey Avenue, from an existing 2 lane facility to a 4 lane facility, between the proposed IBM westerly driveway, located approximately 4400' west of Santa Teresa Blvd. to Santa Teresa Blvd. Improvements include additional pavement, a drainage ditch, a box culvert at Fisher Creek and intersection modification and signal installation at the intersection of Bailey Avenue and Santa Teresa Blvd. The County shall award the contract for the construction of the project and shall complete the construction with all due diligence. The County will attempt to complete the construction work by October 1, 1976, provided that satisfactory plans and specifications for the project are submitted not later than May 31, 1975, subject only to delay beyond the County control. IBM and the County may mutually agree to an extension of time.

2. IBM's Contribution

- a. IBM shall pay to County the equivalent cost of construction one half of a standard major divided 4-lane facility as shown on Exhibit "A" attached hereto and a drainage ditch for the entire IBM frontage on Bailey Avenue in accordance with normal land development requirements. This theoretical

equivalent cost will be computed and based on the actual prices at the time of construction of "project"

- b. IBM shall dedicate right of way to a width of 134' feet, including existing Bailey Avenue, along IBM's entire existing frontage on Bailey Avenue, together with access control and drainage and slope easements said dedication shall include fee and easement holdings of IBM along Bailey Avenue. In addition to dedication of right of way IBM shall also abandon the well located at the northwest corner of Santa Teresa Blvd. and Bailey Avenue and the pipeline which runs along the northerly side of Bailey Avenue from the well westerly approximately 1800 feet to IBM's principal ownership on Bailey Avenue.
- c. IBM shall be responsible for the design engineering of the project, which will include the preparation of plans, specifications, estimates, soil testing and record of survey for right of way acquisition. County shall supervise and coordinate with the consultant designated by IBM. Plans and specifications shall be prepared in accordance with County's prevailing formats and practices.
- d. IBM shall be responsible for payment of all required storm drainage acreage fees and sanitary sewer acreage fees to City of San Jose.

3. IBM Deposit and Final Cost of IBM

IBM shall deposit to County the theoretical equivalent cost as outlined in Exhibit "A" 30 days prior to County advertisement of project for bid. Upon award of the project to the successful bidder, the theoretical equivalent cost shall be adjusted based on submitted project unit-prices of the successful bidder on similar items. For items not covered under the project, the unit prices for those items shall be adjusted based on unit prices,

received by County on the average of three representative projects during the last three months prior to the award of the "project". The adjusted theoretical equivalent cost shall be the final cost to IBM. If the final cost is more than the amount of the deposit paid by IBM to County, IBM shall pay to County the difference. If the final cost is less than the amount of the deposit paid by IBM to County, County shall refund to IBM the difference.

4. Records and Accounts

County shall keep, maintain and render available for inspection by IBM or its authorized representatives, records of bid sheets which will provide a complete and accurate account of all unit prices submitted by successful bidders on said project and other County representative projects.

5. Contract Administration and Inspection of Project

After the project is advertised and awarded for construction by the County, the County shall also administer the contract and perform inspection for the project to its completion.

6. Acquisition of Real Property

County shall acquire all the real property and the necessary temporary easements required for constructing said project, except those that will be dedicated by IBM.

7. Future Ultimate Improvement of Bailey Avenue

It is understood that this "project" is an interim improvement of Bailey Avenue. County shall be responsible for the future ultimate improvement of Bailey Avenue along IBM frontage to County expressway standards at the time County improves the entire Bailey Avenue to its ultimate expressway standards, except the transitional lanes (accel and decel lanes) at each IBM entrance. At such time the County improves Bailey Avenue to its ultimate expressway standards, IBM shall install or pay County to install the transitional lanes (accel and decel lanes) at each IBM entrance. County shall also be responsible for any future interim improvement on Bailey Avenue to accommodate a third IBM entrance at the westerly end of IBM property when IBM develops the remaining IBM property.

8. Termination

This agreement shall terminate if IBM fails to deposit the required sum as indicated in Exhibit "A" 10 days prior to the advertising date of the project. County shall notify IBM in writing at least 60 days prior to advertising date that IBM's deposit is due. Notification shall be sent to:

Mr. C. E. Barkis
I.B.M.
Real Estate and Construction Division
Monterey & Cottle Roads
San Jose, California 95114

IN WITNESS WHEREOF, the parties hereto have executed this agreement on:

December 27, 1974

By IBM

JAN 7 1975

By County

ATTEST DONALD M. RAINS Clerk
Board of Supervisors

Donald M. Rains

IBM

By

C. E. Frizzell
C.E. Frizzell
Vice President
General Products Division

APPROVED AS TO FORM:

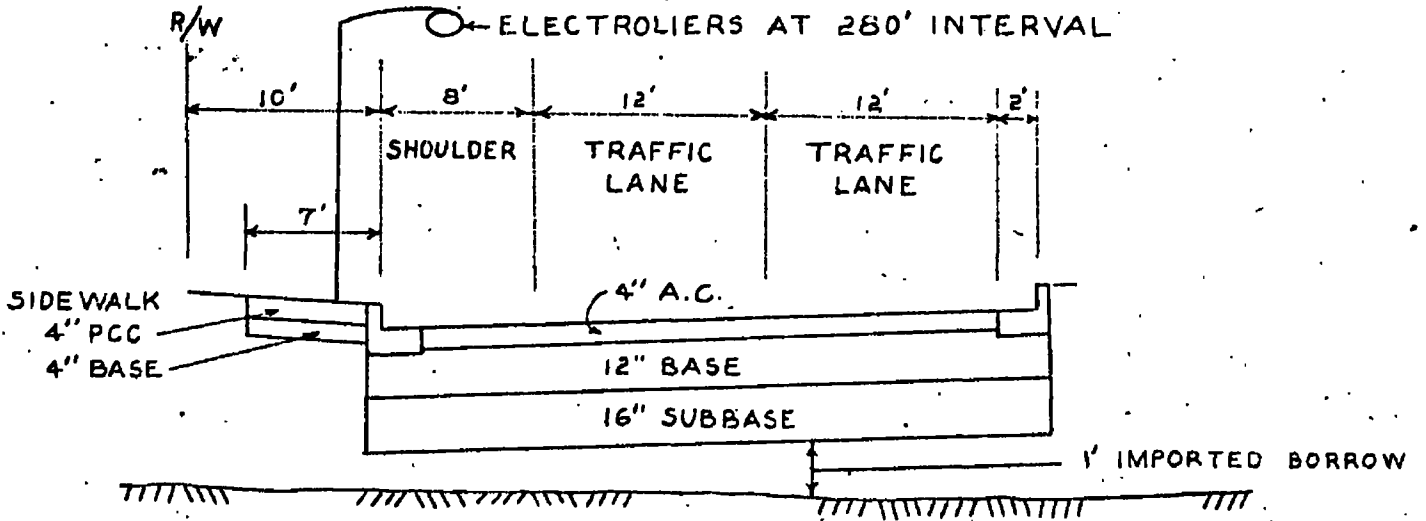
Genevieve Thompson
Asst./Deputy County Counsel

COUNTY OF SANTA CLARA

By

James J. [Signature]
Chairman, Board of Supervisors
County of Santa Clara

EXHIBIT "A"



TYPICAL CROSS-SECTION

ESTIMATED CONSTRUCTION COSTS

A) COSTS PER LINEAR FT.

1)	.74 Tons Asphaltic Concrete @ \$16.50/Ton	\$12.20
2)	2 L.F. B-2 C & G @ \$4/L.F.	8.00
3)	2.59 Tons Cl 3 Agg. Base @ \$5.00/Ton	12.95
4)	3.44 Tons Subbase @ \$4.50/Ton	15.50
5)	2.44 Tons Imported Borrow @ \$2.50/Ton	6.10
6)	7 Sq. Ft. P.C.C. Sidewalk @ \$0.85/sq. ft.	5.95
7)	.17 Tons Cl. 3 Agg. Base 4 Cushion @ \$6.00/Ton	1.02
8)	Electroliers @ 280' Intervals @ \$800 each	2.85
9)	Electrical Conduit @ \$3.25/l.f.	3.25
		<u>\$67.82</u>

B) CONTINGENCIES

10% Cont. (incl. Clearing & Grubbing & Cleanup)	<u>6.78</u>
	\$74.60

C) TOTAL

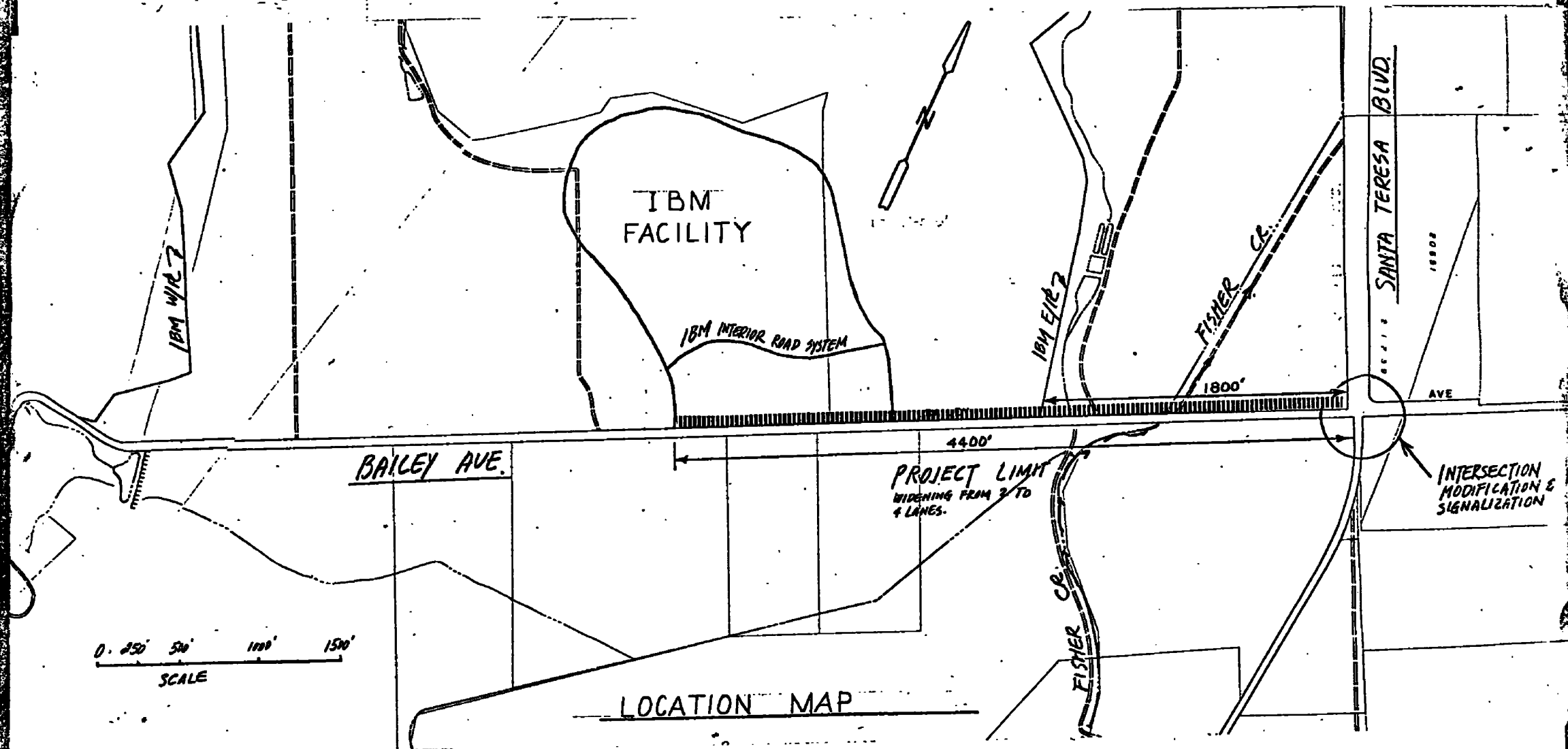
\$74.60/l.f. x 5516 l.f. = \$411,000.00

D) CONSTRUCTION INSPECTION

15% of \$411,000 61,800.00

rounded off to 472,800.00
\$475,000.00

Final cost to IBM to be adjusted according to actual bid prices (see paragraph 3 of agreement) and the actual total IBM frontage along Bailey Avenue.



IBM FACILITY

IBM INTERIOR ROAD SYSTEM

BAILEY AVE.

PROJECT LIMIT
WIDENING FROM 3 TO
4 LANES.

4400'

1800'

SANTA TERESA BLVD.

AVE

INTERSECTION
MODIFICATION &
SIGNALIZATION

0 250 500 1000 1500
SCALE

LOCATION MAP

January 14, 1975

Mr. C. E. Barkis
I.B.M.
Real Estate And Construction Division
Monterey & Cottle Roads
San Jose, California 95114

Subject: Agreement between IBM and the County for the
Improvement of Bailey Avenue

Dear Mr. Barkis:

The Board of Supervisors at its regularly scheduled meeting
of January 7, 1975 approved the subject Agreement.

A certified copy of the Agreement is enclosed for your in-
formation and records.

Very truly yours,

BOARD OF SUPERVISORS
Donald M. Rains, Clerk

By: Deputy Clerk

DMR/dgh
Enclosure

cc: Montini, Transportation Agency
Turturici, Public Works, San Jose

No. _____

Job No. _____

Change Order No. _____

**BOARD OF SUPERVISORS
SANTA CLARA COUNTY**

DATE January 14, 1975

Agreement

The following contract ~~was awarded or change order~~ was approved by the Board of Supervisors at a meeting held:

January 7, 19 75

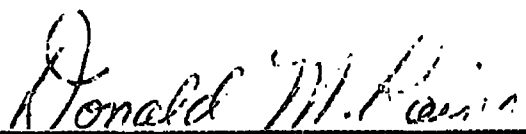
Project to be charged Transportation Agency, Roads - Bailey Avenue
4400' west of Santa Teresa Blvd & Santa Teresa Blvd.

For the amount of \$ See Agreement
IBM. Real Estate and Construction Division

Contractor Monterey & Cottle Roads, San Jose 95114

Completion Date See Agreement

Budget Item _____ (for Controller's use)



DONALD M. RAING
Clerk of the Board

dnr/dgh

County of Santa Clara

California

TRANSMITTAL MEMORANDUMS.D. 1Page 1 of 2DATE: December 27, 1974

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FOR: BOARD OF SUPERVISORS AGENDA OF January 7, 1975

FROM: MONTINI, TRANSPORTATION DEVELOPMENT

TITLE: AGREEMENT BETWEEN THE INTERNATIONAL BUSINESS MACHINES CORPORATION AND THE COUNTY OF SANTA CLARA FOR THE IMPROVEMENT OF BAILEY AVENUE BETWEEN 4,400 FEET WEST OF SANTA TERESA BLVD. AND SANTA TERESA BLVD.

DESCRIPTION:

The City Council of the City of San Jose recently approved the proposed IBM West Coast Programming Development Center. This facility, which will initially employ 2,000 people is located in the Coyote Planning Area of the City and will have direct access to Bailey Avenue.

The Environmental Impact Report prepared for the proposed development center, which was accepted by the City, lists certain mitigation measures to be incorporated with the development. Included among the transportation-related mitigation measures are the following:

1. IBM to provide an extensive car pooling system and to encourage its employees to be active in the implementation of such a system.
2. Staggering of work shifts for personnel to reduce peak hour traffic levels.
3. Reduction in the number of parking spaces from 1,800 to 1,200.
4. Improvement of Bailey Avenue to a 4-lane facility between the project site and Santa Teresa Expressway.
5. Intersection improvement at Santa Teresa Expressway and Bailey Avenue, including signal installation.

The City of San Jose and the County executed an Expressway Agreement for Bailey Avenue in 1970. According to that Agreement Bailey Avenue is to continue to be maintained by the City until such time as the County commences construction. The primary criteria for the implementation of County Expressway System improvements are a demonstrated need and the availability of financing.

The above-mentioned development center EIR discusses in depth the need to improve Bailey Avenue to 4 lanes between the project site and Santa Teresa Expressway and to signalize the intersection of

APPROVED: JAMES POTT *[Signature]* HOWARD CAMPEN *[Signature]*

AGENDA DATA: DATE: _____ BOARD ACTION: _____
ITEM NO: _____ JAN 7 1975

TRANSMITTAL MEMORANDUM

Page 2 of 2

DATE: December 27, 1974

DATE OF AGENDA: January 7, 1975

TITLE: AGREEMENT BETWEEN THE INTERNATIONAL BUSINESS MACHINES CORPORATION AND THE COUNTY OF SANTA CLARA FOR THE IMPROVEMENT OF BAILEY AVENUE BETWEEN 4,400 FEET WEST OF SANTA TERESA BLVD. AND SANTA TERESA BLVD.

Bailey Avenue and Santa Teresa Expressway.

The attached Agreement provides a method of financing the improvements as follows:

IBM will pay to the County the equivalent cost of constructing one half of a 4-lane divided roadway along the entire frontage of the IBM property to Bailey Avenue, a distance of approximately 5,500 feet. In addition IBM will dedicate to the County sufficient real property to provide for a right of way width of 134 feet on Bailey Avenue, and IBM will also abandon an existing well at the Santa Teresa-Bailey Avenue intersection. Three driveway access openings will be allowed, and IBM will relinquish access along their remaining frontage.

The County will utilize these funds to construct an interim 4-lane facility on Bailey Avenue between the westerly entrance to IBM and Santa Teresa Expressway, a distance of approximately 4,400 feet. In addition the County will construct the necessary intersection improvements at Bailey Avenue and Santa Teresa Expressway, including the installation of traffic signals in accordance with existing Expressway System improvement practices.

Approval of the attached Agreement is recommended.

LM:vlt

attachments

cc: C. E. Barkis, IBM
A. R. Turturici, Director of Public Works, City of San Jose