

5.

AGREEMENT BETWEEN THE COUNTY OF SANTA CLARA
AND THE CITY OF CUPERTINO RELATING TO RESUR-
FACING OF BLANEY AVENUE

This is an agreement between the County of Santa Clara, State of California, (County), and the City of Cupertino (City), to resurface Blaney Avenue between Junipero Serra Freeway (Route 280) and Forest Avenue!

It is agreed between the parties as follows:

1. Preparation of Plans and Specifications

County shall prepare and submit to City for approval the contract documents for the resurfacing of the above-mentioned streets. Upon approval by City, a County shall advertise the project for bid and shall award a contract to be supervised to completion by County.

2. City's Share of Cost

The "total construction cost" is the sum of the "construction cost" and the construction inspection cost of said project. As used in this agreement, the term "construction cost" shall mean the total of all costs incurred and expenditures made by County in connection with project, including engineering costs and expenses, costs and expenses of preparing plans and specifications, publication, advertising and printing, cost of construction contract, cost of extra work and materials in connection with such work authorized by County and City, but excluding the costs and expenses for construction inspection. The "construction cost" is estimated to be Eleven Thousand Six-Hundred Dollars (\$11,600.00). The construction inspection cost shall be fifteen percent (15%) of the "construction cost".

Within thirty (30 days) after approval by City of the contract documents, City shall pay to County the sum of Thirteen Thousand Two-Hundred Dollars (\$13,200), which is the amount presently estimated by County to be the "total construction cost" of the project as located within the incorporated area of City.

Copies: Finance, Pub Works-Eng, Pub Works, Co Counsel - Cupertino (2)

3. Insurance

County shall require any contractor awarded a contract for any portion of the project to secure and maintain in full force and effect at all times during the construction of the project and until the project is accepted by County, public liability and property damage insurance in forms and limits of liability satisfactory and acceptable to both City and County, insuring the City and County and their respective officers and employees from and against any claim, loss, liability, cost or expense arising out of or in any way connected with the construction of the project.

The aforementioned policy shall contain a provision that the insurance afforded thereby to City and County and their respective officers and employees shall be primary insurance to the full limits of liability of the policy and that if the City or County or their respective officers and employees have other insurance against a loss covered by such policy that other insurance shall be excess insurance only.

4. Final Accounting

Upon completion of the project, County shall submit to City a final accounting of the "total construction cost". In the event this final accounting shows that the sum advanced to County by City as required in paragraph 2 of this agreement is less than the total construction cost for improving the above-mentioned streets, City shall pay County the difference within sixty (60) days from receipt of the final accounting. However, in the event this final accounting shows that the sum advanced to County is more than the total construction cost, County shall return the difference to City within sixty (60) days.

5. Records and Accounts

5. County shall keep, maintain and render available for inspection by City or its authorized representatives records and books which will provide a complete and accurate account of all costs, fees, and expenditures made by County on construction costs of the project.

6. Termination

This agreement shall terminate on December 1, 1973 if County has not awarded a contract for construction of the above-mentioned project prior to that date. In the event of such a termination, County shall refund to City all sums advanced under paragraph 2 of this agreement.

IN WITNESS WHEREOF, THE PARTIES HERETO HAVE EXECUTED THIS AGREEMENT ON:


September 17, 1973	By City of Cupertino
OCT 23 1973	By County

ATTEST: DONALD M. RAINS, Clerk
Board of Supervisors




 Gary F. Voecks
 Assistant Clerk

COUNTY OF SANTA CLARA



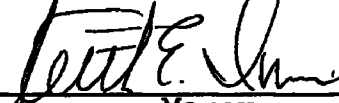
 Chairman, Board of Supervisors
 County of Santa Clara, State of
 California

APPROVED AS TO FORM:



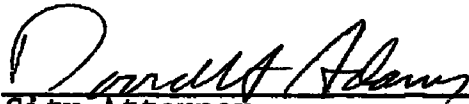
 Assistant/Deputy County Counsel

CITY OF CUPERTINO

By 

 Mayor

APPROVED AS TO FORM:



 City Attorney

RESOLUTION NO. 3544

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE
COUNTY OF SANTA CLARA AND THE CITY OF CUPERTINO RELATIVE
TO RESURFACING OF BLANEY AVENUE

WHEREAS, there has been presented to the City Council an agreement
by and between the County of Santa Clara and the City of Cupertino
calling for the County to perform the resurfacing of Blaney Avenue
between Junipero Serra Freeway (Route 280) and Forest Avenue; and

WHEREAS, the terms and conditions of said agreement have been
approved by the Director of Public Works and the City Attorney;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and the City
Clerk are hereby authorized to execute the agreement herein referred
to in behalf of the City of Cupertino.

PASSED AND ADOPTED at a regular meeting of the City Council of
the City of Cupertino this 17th day of September, 1973, by
the following vote:

AYES: Councilmen - Frolich, Jackson, Sparks, Irwin
NOES: Councilmen - None
ABSENT: Councilmen - Meyers

APPROVED:

/s/ Keith E. Irwin
Mayor, City of Cupertino

ATTEST:

/s/ Wm. E. Ryder
City Clerk

THIS IS TO CERTIFY THAT THE WITHIN
INSTRUMENT IS A TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE IN THIS OFFICE.

ATTEST Sept. 27, 1973

CITY CLERK OF THE CITY OF CUPERTINO

BY William Pagnini
CITY CLERK

Deputy

No. _____

Job No. _____

Change Order No. _____

**BOARD OF SUPERVISORS
SANTA CLARA COUNTY**

DATE October 24, 1973

Cost Sharing

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

_____ October 23, 19 73

Project to be charged Resurfacing of Blaney Avenue

For the amount of \$ See Agreement
City of Cupertino

Contractor 10300 Torre Avenue, Cupertino 95014

Completion Date See Agreement

Budget Item _____ (for Controller's use)

Donald M. Rains - dgh
DONALD M. RAINS
Clerk of the Board

dgh

WHITE ---- CONTROLLER
CANARY -- FILE
PINK ---- PUBLIC WORKS
GOLD. ROD PUBLIC WORKS

October 23, 1973

**City Clerk
City of Cupertino
10300 Torre Avenue
Cupertino, California 95014**

**Subject: Agreement with the City of Cupertino Relating to
Resurfacing of Blaney Avenue**

Dear Sir:

**Enclosed you will find a fully executed copy of the
subject Agreement between the County of Santa Clara
and the party named above. The Board of Supervisors
at its regularly scheduled meeting on October 23, 1973
approved this Agreement on behalf of the County.**

The enclosed copy is for your records.

Very truly yours,

**BOARD OF SUPERVISORS
Donald M. Rains, Clerk**

By: Deputy Clerk

**DMR/dgh
Enclosure**

cc: Public Works - Engineering

County of Santa Clara

California

TRANSMITTAL MEMORANDUM

S.D. 5 1

Page 1 of 1

DATE: October 10, 1973

FOR: BOARD OF SUPERVISORS AGENDA OF October 23, 19 73

FROM: MONTINI, PUBLIC WORKS, ENGR.

TITLE: COST SHARING AGREEMENT BETWEEN COUNTY AND CITY OF CUPERTINO
REGARDING RESURFACING OF A PORTION OF BLANEY AVE.

DESCRIPTION:

The attached agreement provides for full payment by the City of Cupertino for the resurfacing of Blaney Ave. between Junipero Serra Freeway (Route 280) and Forest Avenue.


This area is entirely within the city limits of Cupertino. It is proposed that this work be included in a larger resurfacing contract which the County will advertise and award in the near future. This larger contract will cover resurfacing at a number of various locations in the County. There will be no additional cost to the County to include the above resurfacing in our contract.

Approval is recommended.

Upon execution by the Board of Supervisors, please forward one fully executed copy to the City of Cupertino for their files.

LM:LJM:fm

attachments

LM APPROVED: JAMES POTT 

HOWARD CAMPEN _____

AGENDA DATA: DATE: _____
ITEM NO: _____

BOARD ACTION: OCT 23 1973 