

**PERALTA COMMUNITY COLLEGE DISTRICT**  
**Board of Trustees Agenda Report**  
**For the Trustee Meeting Date of October 27, 2009**

ITEM # 12

**ITEM TITLE:**

Consider Approval of Resolution 09/10-22, Acceptance and Retention, Ratification of Deductive Change Order No. 1, College of Alameda Phase II Project, Armkea, Inc. dba Hung Construction

**SPECIFIC BOARD ACTION REQUESTED:**

Approval of Resolution 09/10-22, Acceptance and Retention, and Ratification of Deductive Change Order No. 1, in the amount of (\$19,474), to the contract with Armkea, Inc. dba Hung Construction for the College of Alameda Phase II Project.

**ITEM SUMMARY:**

This resolution formally accepts the work of the contractor, Armkea, Inc. dba Hung Construction, as complete and provides for a retention payment. Ratification is also requested for Change Order No. 1 to the contract, a deduction to the contract in the amount of (\$19,474), which reduces the original construct amount of \$1,002,800 by 1.9%.

**BACKGROUND/ANALYSIS:**

On May 20, 2008, this Board awarded a contract to Armkea, Inc. dba Hung Construction for the College of Alameda Phase II Project. The work has now been completed, and acceptance is recommended. The scope of work under this project was previously approved under the College of Alameda Phase II short-term project funding from Measure A. It consisted of hazmat abatement, railing, flooring, door and roll-up door replacement, flooring refinishing, dance floor installation, painting, casework, window treatments, and miscellaneous finishes in various locations. This resolution accepts the work as complete and provides for a retention payment of \$98,332.60, which is 10% of the contract price, as modified by Change Order No. 1.

Ratification is also requested for Change Order No. 1 to the contract, a deduction in the amount of (\$19,474). This change order reduces the original contract amount of \$1,002,800 by 1.9%. Under the contract an allowance was approved for unforeseen issues. Only a small amount of the allowance was required, and this change order deducts the remaining allowance from the original contract amount.

The change order also extends the contract completion date by 428 days to October 10, 2009. The project entered into seven partial substantial completion punch lists to allow for occupancy of the affected spaces for academic and staff use. The punch list for Shades and Railings, with an issuance date of April 29, 2009, contained electrical and material issues that required resolution prior to acceptance of the work. The existing railings appeared to be rusted in several areas, and an engineering consultant was utilized to determine the extent of the problem and a method of remediation. The contractor performed the remediation recommended by the consultant, and the District

has waited over one year (428 days) to ensure that no problems exist.

The changes have been reviewed and approved by the project architect, the project manager and the General Services Department. It has been determined that it was in the best interests of the District and financially prudent to authorize this change order.

**ALTERNATIVES/OPTIONS:**

Not applicable.

**EVALUATION AND RECOMMENDED ACTION:**

Approval of Resolution 09/10-22, Acceptance and Retention, and Ratification of Deductive Change Order No. 1, in the amount of (\$19,474), to the contract with Armkea, Inc. dba Hung Construction for the College of Alameda Phase II Project, are recommended.

**SOURCE OF FUNDS (AND FISCAL/BUDGETARY IMPACT):**

Measure A, as approved by the voters in Peralta's constituency and authorized under Resolution 05/06-45, Exhibit A-1, College of Alameda, "Remodeling and equipping classrooms and campus facilities."

**OTHER DEPARTMENTS IMPACTED BY THIS ACTION (E.G. INFORMATION TECHNOLOGY):**

YES \_\_\_\_\_ NO X

**COMMENTS:**

All Board recommended contracts are subject to negotiation and execution by the Chancellor.

**WHO WILL BE PRESENTING THIS ITEM AT THE BOARD MEETING?**

Vice Chancellor Ikharo

**DID A BOARD STANDING COMMITTEE RECOMMEND THE ITEM? YES \_\_\_\_\_ NO X**

**IF "YES", PLEASE INCLUDE THAT INFORMATION IN YOUR SUMMARY.**

**PLEASE ACQUIRE SIGNATURES IN THIS ORDER:**

**DOCUMENT PREPARED BY:**

Prepared by: Sadiq B. Ikharmo Date: 10-19-09  
Dr. Sadiq B. Ikharmo  
Vice Chancellor of General Services

**DOCUMENT PRESENTED BY:**

Sadiq B. Ikharmo Date: 10-19-09  
Dr. Sadiq B. Ikharmo  
Vice Chancellor of General Services

**FINANCE DEPARTMENT REVIEW**

Finance review required  Finance review *not* required

If Finance review is required, determination is:  Approved  Not Approved

If not approved, please give reason: \_\_\_\_\_

Signature: Thomas Smith Date: 10/27/09  
Thomas Smith  
Vice Chancellor for Finance and Administration

**GENERAL COUNSEL (Legality and Format/adherence to Education Codes):**

Legal review required  Legal review *not* required

If Legal review is required, determination is:  Approved  Not Approved

Signature: Thuy T. Nguyen Date: 10/27/09  
Thuy T. Nguyen, General Counsel

**CHANCELLOR'S OFFICE APPROVAL**

Approved, and Place on Agenda  Not Approved, but Place on Agenda

Signature: Elihu Harris Date: 10/19/09  
Elihu Harris, Chancellor

**PERALTA COMMUNITY COLLEGE DISTRICT  
RESOLUTION 09/10-22**

**ACCEPTANCE AND RETENTION  
COLLEGE OF ALAMEDA PHASE II PROJECT  
ARMKEA, INC. DBA HUNG CONSTRUCTION**

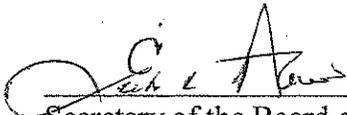
WHEREAS, ARMKEA, INC. DBA HUNG CONSTRUCTION, a corporation existing under and by virtue of the laws of the State of California, the contractor under that certain contract with the Peralta Community College District, Alameda County, State of California, for all labor, materials, mechanical workmanship, transportation, equipment and services necessary for the College of Alameda Phase II Project, has made application for acceptance of the work; and

WHEREAS, the Architect employed by the Board to prepare plans and specifications for and to supervise the completion of said work, has certified in writing to this Board that said contractor completed the work heretofore described and has recommended to this Board the final acceptance of the project; and

NOW, THEREFORE, BE IT RESOLVED that said work of said contract be and the same is hereby accepted; and

BE IT FURTHER RESOLVED that the retention payment in the amount of NINETY-EIGHT THOUSAND THREE HUNDRED THIRTY-TWO AND 60/100 DOLLARS (\$98,332.60), which is ten percent (10%) of said contract price, as modified by deductive Change Order No. 1, shall be made thirty-five (35) calendar days from and after the passage of this resolution, provided no withhold notices requesting the withholding of any monies from said contractor have been filed with this Board of Trustees in accordance with the provisions of Title 15 of Part 4, Division 3, of the Civil Code of the State of California.

PASSED AND ADOPTED by the following called vote this 27th day of October, 2009. The full Board has voted in support of this resolution, unless the Board meeting minutes reflect otherwise.

  
Secretary of the Board of Trustees  
Peralta Community College District  
Alameda County  
State of California

**PROJECT FINAL ACCEPTANCE**

**PROJECT NAME:** College of Alameda Sidewalk Rehabilitation

**PROJECT NUMBER:** 06-07/74

**PROJECT MANAGER:** Olive Construction Management

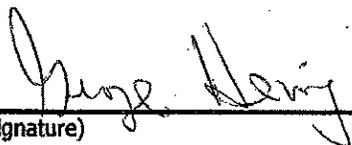
**CONTRACTOR:** Rodan Builders inc.

For acceptance and approval at the Board of Trustees Meeting of:

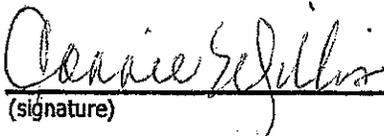
October 2008

This project is accepted and complete and approved by the College/District:

**College President**

  
\_\_\_\_\_  
(signature) 10/1/08  
\_\_\_\_\_  
(date)

**College Business Manager**

  
\_\_\_\_\_  
(signature) 10.1.08  
\_\_\_\_\_  
(date)

Recording Requested By:  
Peralta Community College District

When Recorded, Mail To:  
Office of General Services  
333 East 8th Street  
Oakland, CA 94606

For Recorder's Use

Government Code: 27383

**Peralta Community College District**  
Office of General Services  
333 East 8th Street, Oakland, California 94606  
(510) 466-7200 (510) 466-7315

**NOTICE OF COMPLETION**

OWNER: PERALTA COMMUNITY COLLEGE DISTRICT, OAKLAND CA  
NATURE OF INTEREST OR ESTATE: FEE  
PROJECT CONTRACT TITLE: COLLEGE OF ALAMEDA PHASE II PROJECT  
PROJECT NUMBER: PCCD PROJECT 2329  
PROJECT ADDRESS: 555 RALPH APPEZZATO MEMORIAL PARKWAY  
CONTRACTOR: ARMKEA dba HUNG CONSTRUCTION COMPANY  
CONTRACTOR'S ADDRESS: 851 81<sup>ST</sup> AVENUE, SUITE A, OAKLAND, CA 94621  
DSA APPLICATION NUMBER: NA  
CONTRACT START DATE: JUNE 4, 2008  
ORIGINAL CONTRACT TIME: AUGUST 8, 2008  
CONTRACT TIME EXTENSIONS: 428 CALENDAR DAYS  
APPROVED VIA CHANGE ORDER: BOARD OF TRUSTEES MEETING OCTOBER 27, 2009  
CONTRACT COMPLETION DATE: OCTOBER 10, 2009

The above referenced Contract has been completed in accordance with the plans and specifications thereof, and to the satisfaction of the Peralta Community College District. The nature of the title of the stated owner is: in fee.

State of California  
County of Alameda

That he/she/they is/are the person(s) signing the above document; that He/she/they has/have read the same, and know(s) the content thereof and that the acts stated therein are true.

Sadiq B. Ikhano

(Signature of Affiant)

Dr. Sadiq Bello Ikhano  
Vice Chancellor, General Services

10-19-09

Date

I declare under penalty of perjury that the foregoing is true to the best of my knowledge.

Sadiq B. Ikhano

(Signature of Affiant)

Dr. Sadiq Bello Ikhano  
Vice Chancellor, General Services

10-19-09

Date



