

**PERALTA COMMUNITY COLLEGE DISTRICT**  
**Board of Trustees Agenda Report**  
**For the Trustee Meeting Date of November 10, 2009**

ITEM# 17

**ITEM TITLE:**

Consider Approval of Resolution 09/10-28, Acceptance and Retention, Beginner's Inn Culinary Kitchen at Laney College, NBC General Constructors Corporation

**SPECIFIC BOARD ACTION REQUESTED:**

Approval of Resolution 09/10-28, Acceptance and Retention, Beginner's Inn Culinary Kitchen at Laney College, NBC General Constructors Corporation, which will accept the project as complete and authorize release of the retention payment 35 days after the filing of the Notice of Completion.

**ITEM SUMMARY:**

On September 18, 2007, this Board awarded a contract to NBC General Constructors Corporation for the Beginner's Inn Culinary Kitchen at Laney College. The work has now been completed, and acceptance is recommended. This resolution accepts the work as complete and provides for a retention payment of \$353,928.88.

The final contract payment due to NBC General Constructors Corporation, in the amount of \$15,206.27 and the retention payment of \$353,928.88 (totaling \$369,135.15), will be issued in the form of joint checks to NBC and the subcontractors/suppliers who have filed Stop Notices for unpaid balances owed them by NBC. The District and Board are protected by indemnification with regard to this project by Hartford Fire Insurance Company, the company that issued the required Payment Bond.

**BACKGROUND/ANALYSIS:**

The Board previously approved change orders to this contract totaling \$1,407,011, which is 24.8% of the original contract amount (\$5,680,000). Of this change order total, \$851,969 is the cost of the new Dining Room. If the change order items for the Dining Room are subtracted from the project change order total, the remainder is \$555,042, which is 9.8% of the original contract price.

**ALTERNATIVES/OPTIONS:**

Not applicable.

**EVALUATION AND RECOMMENDED ACTION:**

Approval of Resolution 09/10-28, Acceptance and Retention, Beginner's Inn Culinary Kitchen at Laney College, NBC General Constructors Corporation, which will accept the project as complete and authorize release of the retention payment 35 days after the filing of the Notice of Completion, is recommended.

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

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

YES \_\_\_\_\_ No   X

**COMMENTS:**

No additional comments.

**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. Ikharo Date: 11-5-09  
Dr. Sadiq B. Ikharo  
Vice Chancellor of General Services

**DOCUMENT PRESENTED BY:**

Sadiq B. Ikharo Date: 11-5-09  
Dr. Sadiq B. Ikharo  
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: 11.6.09  
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: 11/5/09  
Thuy T. Nguyen, General Counsel  
*Contingent on signed indemnification agreement and not taking into consideration more than 10% change order.*

**CHANCELLOR'S OFFICE APPROVAL**

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

Signature: Elihu Harris Date: 11.6.09  
Elihu Harris, Chancellor Acting Chancellor

**PERALTA COMMUNITY COLLEGE DISTRICT  
RESOLUTION 09/10-28**

**ACCEPTANCE AND RETENTION  
BEGINNER'S INN CULINARY KITCHEN AT LANEY COLLEGE  
NBC GENERAL CONTRACTORS CORPORATION**

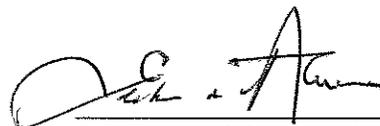
WHEREAS, NBC GENERAL CONTRACTORS CORPORATION, a corporation existing under and by virtue of the laws of the State of California, the contractor under that certain contract with the Peralta Community College District, Alameda County, State of California, for all labor, materials, mechanical workmanship, transportation, equipment and services necessary for the Beginner's Inn Culinary Kitchen at Laney College, 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.

BE IT FURTHER RESOLVED that the retention payment in the amount of THREE HUNDRED FIFTY-THREE THOUSAND NINE HUNDRED TWENTY-EIGHT AND 88/100 DOLLARS (\$353,928.88), shall be made thirty-five (35) calendar days from and after the filing of the Notice of Completion at the Alameda County Recorder's Office, to be paid in the form of joint checks to cover withhold notices requesting the withholding of any monies from said contractor that 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 10th day of November, 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

Recording Requested By:  
Peralta Community College District



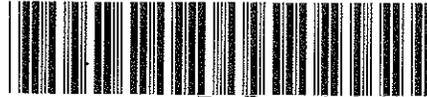
2009324287

10/15/2009 09:20 AM

OFFICIAL RECORDS OF ALAMEDA COUNTY  
PATRICK O'CONNELL  
RECORDING FEE: 0.00

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

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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: BEGINNERS INN CULINARY KITCHEN  
PROJECT NUMBER: 2322  
PROJECT ADDRESS: 900 FALLON STREET, OAKLAND, CA 94607  
CONTRACTOR: N.B.C GENERAL CONTRACTORS CORPORATION.  
CONTRACTOR'S ADDRESS: 570 10<sup>TH</sup> STREET, OAKLAND, CA 94607  
DSA APPLICATION NUMBER: 01 - 108426  
CONTRACT START DATE: OCTOBER 5<sup>TH</sup>, 2007.  
ORIGINAL CONTRACT TIME: 9 MONTHS  
CONTRACT TIME EXTENSIONS: 9 MONTHS  
APPROVED VIA CHANGE ORDER: \$1,407,011.00  
CONTRACT COMPLETION DATE: MARCH 25<sup>TH</sup>, 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. Ikharo  
(Signature of Affiant)

10-8-09  
Date

Dr. Sadiq Bello Ikharo  
Vice Chancellor, General Services  
Peralta Community College District

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

Sadiq B. Ikharo  
(Signature of Affiant)

10-8-09  
Date

Dr. Sadiq Bello Ikharo  
Vice Chancellor, General Services  
Peralta Community College District