

PERALTA COMMUNITY COLLEGE DISTRICT
Board of Trustees Agenda Report
For the Trustee Meeting Date of December 15, 2009

ITEM# 25

ITEM TITLE:

Consider Approval of Resolution 09/10-30, Acceptance and Retention, Landscape Improvements, Laney College, Robert A. Bothman, Inc.

SPECIFIC BOARD ACTION REQUESTED:

Approval of Resolution 09/10-30, Acceptance and Retention, Landscape Improvements at Laney College, Robert A. Bothman, Inc., which will accept the project as complete and authorize release of the retention payment.

ITEM SUMMARY:

On December 12, 2006, this Board awarded a contract to Robert A. Bothman, Inc. for the Landscape Improvements at Laney College. The work has now been completed, and acceptance is recommended. The project acceptance was delayed at the District's convenience since landscape improvements in the vicinity of the ground mounted satellite dish (between Building G and East 7th Street) could not be completed until the District removed the dish, which itself was contingent on a new satellite dish being mounted on the Administrative Tower building roof. Robert A. Bothman, Inc. completed the remaining scope of project work in a timely fashion, but then left the site pending removal of the satellite dish by the District. Upon removal, Robert A. Bothman, Inc. remobilized and finished the project. This resolution accepts the work as complete and provides for a retention payment of \$114,311, which is 10% of the contract price.

BACKGROUND/ANALYSIS:

The Board previously approved a change order to this contract in the amount of \$39,170 which is 3.5% of the original contract amount (\$1,103,940).

ALTERNATIVES/OPTIONS:

Not applicable.

EVALUATION AND RECOMMENDED ACTION:

Approval of Resolution 09/10-30, Acceptance and Retention, Landscape Improvements at Laney College, Robert A. Bothman, Inc., is 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, Laney College, "Classroom and facilities repairs and grounds improvements."

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. Ikharo Date: 12-8-09
Dr. Sadiq B. Ikharo
Vice Chancellor of General Services

DOCUMENT PRESENTED BY:

Sadiq B. Ikharo Date: 12-8-09
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: _____ Date: _____
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: 12/9/09
Thuy T. Nguyen, General Counsel

CHANCELLOR'S OFFICE APPROVAL

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

Signature: Elihu Harris Date: 12/9/09
Elihu Harris, Chancellor

**PERALTA COMMUNITY COLLEGE DISTRICT
RESOLUTION 09/10-30**

**ACCEPTANCE AND RETENTION
LANDSCAPE IMPROVEMENTS, LANEY COLLEGE**

ROBERT A. BOTHMAN, INC.

WHEREAS, ROBERT A. BOTHMAN, INC., 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 Landscape Improvements, Laney College, has made application for acceptance of the work; and

WHEREAS, the Landscape 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 ONE HUNDRED FOURTEEN THOUSAND THREE HUNDRED ELEVEN AND NO/100 DOLLARS (\$114,311.00), 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, 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 15th day of December, 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