

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

ITEM# 27

**ITEM TITLE:**

Consider Approval of Resolution 09/10-32, Acceptance and Retention, Modernization to Building A and Sidewalk Rehabilitation Project, College of Alameda, NBC General Contractors Corporation

**SPECIFIC BOARD ACTION REQUESTED:**

Approval of Resolution 09/10-32, Acceptance and Retention, Modernization to Building A and Sidewalk Rehabilitation Project, College of Alameda, NBC General Contractors 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 March 11, 2008, this Board awarded a contract to NBC General Contractors Corporation for the Modernization to Building A and Sidewalk Rehabilitation Project at College of Alameda. The work has now been completed, and acceptance is recommended. This resolution accepts the work as complete and provides for a retention payment. This contract resolution by the Department of General Services and the General Counsel stems from a series of meetings that were held to close this project formally. There are several issues under litigation, stop notices, and joint checks for payment that staff and General Counsel are implementing.

**BACKGROUND/ANALYSIS:**

The Board previously approved change orders to this contract totaling \$328,498.50, which is 3.6% of the original contract amount (\$9,036,000.18). A final deductive change order is under negotiation, and Board ratification will be requested at the January Board meeting.

**ALTERNATIVES/OPTIONS:**

Not applicable.

**EVALUATION AND RECOMMENDED ACTION:**

Approval of Resolution 09/10-32, Acceptance and Retention, Modernization to Building A and Sidewalk Rehabilitation Project, College of Alameda, NBC General Contractors Corporation, is recommended.

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

Measure E and Measure A (for sidewalk rehabilitation portion), as approved by the voters in Peralta's constituency and authorized under Resolution 05/06-45, Exhibit A-1, District-Wide Projects, "Walkways, parking lots, landscaping, and handicap accessibility improvements."

**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: 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: \_\_\_\_\_  
Elihu Harris, Chancellor

**PERALTA COMMUNITY COLLEGE DISTRICT  
RESOLUTION 09/10-32**

**ACCEPTANCE AND RETENTION  
COLLEGE OF ALAMEDA MODERNIZATION TO BUILDING A AND  
SIDEWALK REHABILITATION PROJECT**

**NBC GENERAL CONTRACTORS CORPORATION**

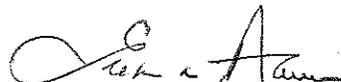
WHEREAS, NBC GENERAL CONTRACTORS CORPORATION, a corporation existing under and by virtue of the laws of the State of California, the contractor under that certain contract with the Peralta Community College District, Alameda County, State of California, for all labor, materials, mechanical workmanship, transportation, equipment and services necessary for the College of Alameda Modernization to Building A and Sidewalk Rehabilitation 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.

BE IT FURTHER RESOLVED that the retention payment 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 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

**PERALTA COMMUNITY COLLEGE DISTRICT  
RESOLUTION 09/10-32**

**ACCEPTANCE AND RETENTION  
COLLEGE OF ALAMEDA MODERNIZATION TO BUILDING A AND  
SIDEWALK REHABILITATION PROJECT**

**NBC GENERAL CONTRACTORS CORPORATION**

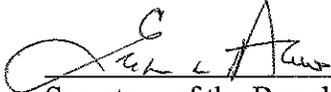
WHEREAS, NBC GENERAL CONTRACTORS CORPORATION, a corporation existing under and by virtue of the laws of the State of California, the contractor under that certain contract with the Peralta Community College District, Alameda County, State of California, for all labor, materials, mechanical workmanship, transportation, equipment and services necessary for the College of Alameda Modernization to Building A and Sidewalk Rehabilitation 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.

BE IT FURTHER RESOLVED that the retention payment in the amount of xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx AND xx/100 DOLLARS (\$xxxxxxxxxx), 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 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

**PROJECT FINAL ACCEPTANCE**

PROJECT NAME: Building A Renovation & Sidewalk Rehabilitation  
Addendum No. 15 At College of Alameda

PROJECT NUMBER: PCCD No. 2946

PROJECT MANAGER: OCM Inc.

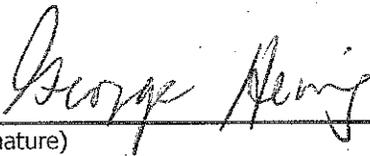
CONTRACTOR: NBC General Contractors Corporation

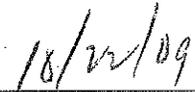
For acceptance and approval at the Board of Trustees Meeting of:

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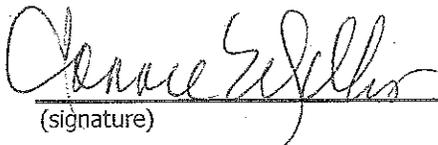
This project is accepted and complete and approved by the College/District:

**College President**

  
(signature)

  
(date)

**College Business Manager**

  
(signature)

  
(date)

Recording Requested By:  
Peralta Community College District



2009341029 10/26/2009 12:16 PM  
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

RECEIVED  
PERALTA COMMUNITY COLLEGE DISTRICT  
NOV 06 2009  
DEPT. OF GENERAL SERVICES



1 PG

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: BUILDING A RENOVATION & SIDEWALK REHABILITATION  
ADDENDUM NO. 1S  
PROJECT NUMBER: PCCD NO. 2946  
PROJECT ADDRESS: 555 RALPH APPEZZATO MEMORIAL PARKWAY  
CONTRACTOR: NBC GENERAL CONTRACTORS CORPORATION  
CONTRACTOR'S ADDRESS: 570 10<sup>TH</sup> STREET, 2<sup>ND</sup> FLOOR, OAKLAND, CA 94607  
DSA APPLICATION NUMBER: 01-108332 & 01-109219  
CONTRACT START DATE: MARCH 24, 2008  
ORIGINAL CONTRACT TIME: 346 CALENDAR DAYS  
CONTRACT TIME EXTENSIONS: 89 CALENDAR DAYS  
APPROVED VIA CHANGE ORDER: CHANGE ORDER 4  
CONTRACT COMPLETION DATE: OCTOBER 21, 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)  
Dr. Sadiq Bello Ikharo  
Vice Chancellor, General Services

*10-21-09*

Date

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

*Sadiq B. Ikharo*

(Signature of Affiant)  
Dr. Sadiq Bello Ikharo  
Vice Chancellor, General Services

*10-21-09*

Date