

**PERALTA COMMUNITY COLLEGE DISTRICT**  
**Board of Trustees Agenda Report**  
**For the Trustee Meeting Date of September 28, 2010**

ITEM # 46

**ITEM TITLE:**

Consider Ratification of Project Acceptance and Approval of Resolution 10/11-22, Acceptance and Retention, Merritt College Athletic Field Renovation, Pacheco Brothers Gardening, Inc.

**SPECIFIC BOARD ACTION REQUESTED:**

Ratification is requested of Resolution 10/11-22, Acceptance and Retention for the Merritt College Athletic Field Renovation Project, Pacheco Brothers Gardening, Inc.

**ITEM SUMMARY:**

On January 26, 2010, this Board awarded a contract to Pacheco Brothers Gardening, Inc. for the Merritt College Athletic Field Renovation. The project work has been completed, the Notice of Completion has been filed with the County of Alameda, and the Merritt President and Business Manger have signed the College Project Acceptance Form.

The Chancellor approved acceptance of the project during the Board recess, permitted under the Chancellor Authorization to Sign (Resolution 99/00-5). This was necessary so that the payment of the ten percent project retention (in the amount of \$13,456) to the contractor would not be unduly delayed. The retention payment is due 35 days after the filing of the Notice of Completion with Alameda County, and this period expired during the Board recess. Board ratification of the project acceptance and approval of Resolution 10/11-22 are now requested. This resolution formally accepts the work as complete.

**BACKGROUND/ANALYSIS:**

This project was discussed at the Board Facilities and Land Use Committee meeting of May 20, 2010. There have been no change orders on this project.

**ALTERNATIVES/OPTIONS:**

Not applicable.

**EVALUATION AND RECOMMENDED ACTION:**

Ratification is recommended of Resolution 10/11-22, Acceptance and Retention for the Merritt College Athletic Field Renovation Project, Pacheco Brothers Gardening, Inc.

**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, and verified by the Finance Department as a qualifying expenditure in accordance with the language of this resolution and further described on the bond project crossover list for implementation.

**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 X NO \_\_\_\_\_**

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

**PLEASE ACQUIRE SIGNATURES IN THIS ORDER:**

**DOCUMENT PREPARED BY:**

Prepared by: Sadiq B. Ikharo Date: 9-22-10  
Dr. Sadiq B. Ikharo  
Vice Chancellor of General Services

**DOCUMENT PRESENTED BY:**

Sadiq B. Ikharo Date: 9-22-10  
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: \_\_\_\_\_  
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 by re, electronically Date: 9/22/10  
Thuy T. Nguyen, General Counsel

**CHANCELLOR'S OFFICE APPROVAL**

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

Signature: Wise E. Allen Date: 9/23/10  
Wise E. Allen, Chancellor

**PERALTA COMMUNITY COLLEGE DISTRICT  
RESOLUTION 10/11-22  
ACCEPTANCE AND RETENTION  
MERRITT COLLEGE ATHLETIC FIELD RENOVATION  
PACHECO BROTHERS GARDENING, INC.**

WHEREAS, PACHECO BROTHERS GARDENING, 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 Merritt College Athletic Field Renovation, has made application for acceptance of the work; and

WHEREAS, the Project Manager employed by the Board 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 THIRTEEN THOUSAND FOUR HUNDRED FIFTY-SIX AND NO/100 DOLLARS (\$13,456.00), which is ten percent (10%) of said contract price, shall be made thirty-five (35) calendar days 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 28th day of September, 2010. 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  
Department of General Services

September 14, 2010

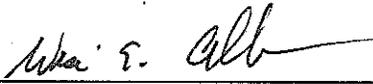
**MEMORANDUM**

**To:** Chancellor Wise E. Allen  
**From:** Dr. Sadiq B. Ikharo, Vice Chancellor for General Services  
**Subject :** **Approval for Project Acceptance Prior to Board Ratification, Merritt College Athletic Field Renovation, Pacheco Brothers Gardening, Inc.**

Your approval is requested to accept this project as complete. The contract, in the amount of \$134,560, was awarded at the Board meeting of January 26, 2010. The work is complete, and acceptance is recommended.

Your approval, as permitted under the Chancellor Authorization to Sign (Resolution 99/00-5), is requested to accept the project as complete and release the 10% contract retention payment. The Notice of Completion was filed with the County on August 9, 2010, and the retention is now due. Postponing the payment until after the September 28 Board meeting will cause undue hardship to the contractor. Ratification of the project acceptance will be requested at the September 28 Board meeting.

SBI:cr

Approved:  Date: 9/14/10  
Wise E. Allen, Chancellor

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: Merritt College Athletic Field Renovation

PROJECT NUMBER: 2702

PROJECT ADDRESS: Merritt: 12500 Campus Dr., Oakland 94619

CONTRACTOR: Pacheco Brothers Gardening, Inc.

CONTRACTOR'S ADDRESS: 795 Sandoval Way, Hayward, CA 94544-7112

DSA APPLICATION NUMBER: N/A

CONTRACT START DATE: February 22, 2010

ORIGINAL CONTRACT TIME: 45 days

CONTRACT TIME EXTENSIONS: 90 days

APPROVED VIA CHANGE ORDER: N/A

CONTRACT COMPLETION DATE: July 9, 2010

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. Ikharmo

(Signature of Affiant)

Dr. Sadiq Bello Ikharmo

Vice Chancellor, General Services

Peralta Community College District

8/9/10

Date

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

Sadiq B. Ikharmo

(Signature of Affiant)

Dr. Sadiq Bello Ikharmo

Vice Chancellor, General Services

Peralta Community College District

8/9/10

Date

## PROJECT FINAL ACCEPTANCE

PROJECT NAME: Merritt College Athletic Field Renovation

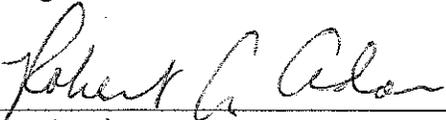
CONTRACTOR: Pacheco Brothers Gardening, Inc.

For acceptance and approval at Board of Trustees Meeting of September 14, 2010.

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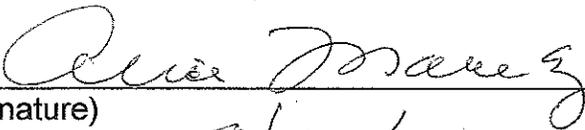
This project is accepted as complete and approved by the College:

**College President**

  
\_\_\_\_\_  
(Signature)

8/27/10  
\_\_\_\_\_  
(Date)

**College Business Manager**

  
\_\_\_\_\_  
(Signature)

8/27/10  
\_\_\_\_\_  
(Date)