

**PERALTA COMMUNITY COLLEGE DISTRICT**  
**Board of Trustees Agenda Report**  
**For the Trustee Meeting Date of December 7, 2010**

ITEM # 28

**ITEM TITLE:**

Consider Approval of Resolution 10/11-33, Acceptance and Retention, Welding Lab Modernization at Laney College, Bay Construction Co.

**SPECIFIC BOARD ACTION REQUESTED:**

Approval of Resolution 10/11-33, Acceptance and Retention, Welding Lab Modernization at Laney College, Bay Construction Co.

**ITEM SUMMARY:**

On June 9, 2009, this Board awarded a contract to Bay Construction Co. for the Welding Lab Modernization at Laney College. The work has now been completed, a Notice of Completion has been filed with the County of Alameda, and the Laney President and Business Manager have signed the Project College Acceptance Form. Board of Trustees' acceptance is recommended. This resolution accepts the work as complete and provides for a retention payment of \$59,547.78, which is 10% of the contract price. The Board previously approved change orders to this contract in the amount of \$53,477.80, which is 9.9% of the original contract amount (\$542,000.00).

**BACKGROUND/ANALYSIS:**

This project is one of the previously Board approved Laney College Modernization and Short-Term Projects, funded by Measure A. The modernization and short term project allocations were discussed by the Board Facilities and Land Use Committee and approved by the Board of Trustees at the meetings of March 13, 2007 and October 9, 2007.

**ALTERNATIVES/OPTIONS:**

Not applicable.

**EVALUATION AND RECOMMENDED ACTION:**

Approval of Resolution 10/11-33, Acceptance and Retention, Welding Lab Modernization at Laney College, Bay Construction Co., 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, "Equipment, technology upgrades, and facility and classroom improvements for the college's following programs: Biology, Business, Chemistry, CIS, Culinary Arts, Dance, Environmental Control Technology, Foreign Languages, Geography, Math, Theater Arts, and **Welding.**"

**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: 11-26-2010  
Dr. Sadiq B. Ikharo  
Vice Chancellor of General Services

**DOCUMENT PRESENTED BY:**

Sadiq B. Ikharo Date: 11-26-2010  
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: Ron Gerhard, electronically Date: 12/3/10  
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, electronic signature Date: 12/2/10  
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: 12/1/10  
Wise E. Allen, Chancellor

**PERALTA COMMUNITY COLLEGE DISTRICT  
RESOLUTION 10/11-33**

**ACCEPTANCE AND RETENTION  
WELDING LAB MODERNIZATION AT LANEY COLLEGE  
BAY CONSTRUCTION, INC.**

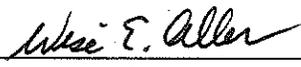
WHEREAS, BAY CONSTRUCTION, INC., a corporation existing under and by virtue of the laws of the State of California, the contractor under that certain contract with the Peralta Community College District, Alameda County, State of California, for all labor, materials, mechanical workmanship, transportation, equipment and services necessary for the Welding Lab Modernization at Laney College, 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 FIFTY-NINE THOUSAND FIVE HUNDRED FORTY-SEVEN AND 78/100 (\$59,547.78), which is ten percent (10%) of the original contract price, as modified by Change Order Nos. 1, 2, 3 and 4, 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 7th day of December, 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

## PROJECT FINAL ACCEPTANCE

PROJECT NAME: Welding Lab Refurbishment Project (2314)

LOCATION: Laney College

CONTRACTOR: Bay Construction

For

This Project is accepted as complete and approved by the college and signed by Contractor, Inspector and Director of Capital Projects.

Contractor:

Yung Kaly

Print Name

Signature

Date

11/18/10

Inspector:

Print Name

Signature

Date

MATT Brown

[Signature]

11/18/10

Director of Capital Project: (Facilities Project Mgr.)

Print Name

Signature

Date

Trent Tornabene

[Signature]

11/19/10

College Business Manager:

Print Name

Signature

Date

George Kozitza

[Signature]

11/19/10

College President:

Print Name

Signature

Date

Elnora Webb

[Signature]

11/19/10

Recording Requested By:  
Peralta Community College District



2010263537 09/10/2010 03:30 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

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8/16  
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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  
NATURE OF INTEREST OR ESTATE: Fee  
PROJECT CONTRACT TITLE: Welding Lab Refurbishment Project at Laney College (Bid No. 08-09/26 )  
PROJECT NUMBER: 2314  
PROJECT ADDRESS: 900 Fallon Street, Oakland, CA 94607  
CONTRACTOR: Bay Construction  
CONTRACTOR'S ADDRESS: 4026 Martin Luther King Jr. Way, Oakland, CA 94609  
DSA APPLICATION NUMBER: 110013  
CONTRACT START DATE: 6/22/09  
ORIGINAL CONTRACT TIME: 70 CD  
CONTRACT TIME EXTENSIONS: 118 CD  
APPROVED VIA CHANGE ORDER: 118 CD  
CONTRACT COMPLETION DATE: April 26<sup>th</sup> 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. Ikharo*  
(Signature of Affiant)  
Dr. Sadiq Bello Ikharo  
Vice Chancellor, General Services  
Peralta Community College District

*9/3/10*  
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  
Peralta Community College District

*9/3/10*  
Date