

**Board of Trustees Agenda Report
For the Trustee Meeting Date of December 7, 2010**

ITEM TITLE:

Consider Approval of Resolution 10/11-35, Acceptance and Retention, Ratification of Deductive Change Order No. 4, DSPS Offices Refurbishment at Laney College, EDEN CDM

SPECIFIC BOARD ACTION REQUESTED:

Approval of Resolution 10/11-35, Acceptance and Retention, and Ratification of Deductive Change Order No. 4, DSPS Offices Refurbishment at Laney College, EDEN CDM.

ITEM SUMMARY:

On May 12, 2009, this Board awarded a contract to EDEN CDM for the DSPS Offices Refurbishment 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 \$31,139.56, which is 10% of the contract price.

Ratification is also requested for Change Order No. 4, a deduction in the amount of (\$25,195.15). The change order releases an allowance for roof top and mechanical unit and related structural work that was not required to be performed, at a credit of (\$25,195.15). Including the previously Board approved change orders for this project, the cumulative total is reduced to \$5,095.55, which is 1.7% of the original contract amount (\$306,300.00).

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 10/11-35, Acceptance and Retention, and Ratification of Deductive Change Order No. 4, DSPS Offices Refurbishment at Laney College, EDEN CDM, are 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 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 10/11-35**

**ACCEPTANCE AND RETENTION
DSPS OFFICES REFURBISHMENT AT LANEY COLLEGE
EDEN CDM**

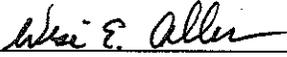
WHEREAS, EDEN CDM, a corporation existing under and by virtue of the laws of the State of California, the contractor under that certain contract with the Peralta Community College District, Alameda County, State of California, for all labor, materials, mechanical workmanship, transportation, equipment and services necessary for the DSPS Offices Refurbishment 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 THIRTY-ONE THOUSAND ONE HUNDRED THIRTY-NINE AND 56/100 DOLLARS (\$31,139.56), which is ten percent (10%) of the original contract price, as modified by Change Order Nos. 1, 2, 3 (time extension only), 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

Office of General Services • 333 East 8th Street Oakland, California 94606 • Phone 510/466-7200 • Fax 510/466-7315

CHANGE ORDER NO. 4

PROJECT: DSPS Refurbishment @ Laney College
Bid no: 08-09/29

DATE: MAY 14TH, 2010

OWNER: Peralta Community College District

DSA FILE NO.: 110373

DSA APP NO.: 110373

CONTRACTOR: EDEN-CDM

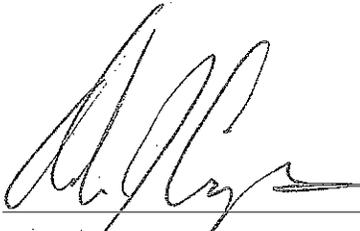
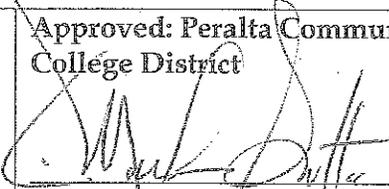
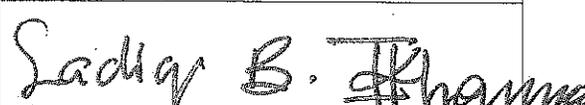
PCCD PROJECT #: 2314

PROJECT MGR: Consolidated CM

The Contractor is authorized to make the changes listed in the Summary and described in Change Order Attachment when this Change Order has been approved.

Original Contract Sum.....\$306,300.00
 Net Change by previously authorized Change Orders.....\$ 30,287.70
 The Contract sum prior to this Change Order was.....\$336,587.70
 The Contract sum will be increased/decreased by this Change Order.....-\$ 25,195.15
 The New Contract Sum including this Change Order will be.....\$311,392.55
 Cumulative Change Order(s) as a percentage of contract including this Change Order: 1.7%.
 The Contract is changed by () Days
 Revised Contract completion date as of this Change Order therefore is: NA

Summary reference attached items: PCO #14 & 14.1

| | | |
|--|---|--|
| <p>Approved: Architect of Record</p>  <p>Date: 5/25/10</p> | <p>Approved: General Contractor</p>  <p>Date: 5/24/10</p> | <p>Approved: Peralta Community College District</p>  <p>Director of Capital Projects</p> <p>Date: 22, June 2010</p> |
| <p>Approved: Electrical or Structural Engineer</p> <p>Date:</p> | <p>Approved: Mechanical Engineer</p> <p>Date:</p> | <p> Vice Chancellor of General Services</p> <p>Date: 6/30/10</p> |
| <p>Approved: Div. of the State Architect</p> <p>Date:</p> | | |

PERALTA COMMUNITY COLLEGE DISTRICT

Office of General Services • 333 East 8th Street Oakland, California 94606 • Phone 510/466-7200 • Fax 510/466-7315

SUMMARY OF CHANGE ORDER NO. 4 Attachment

PROJECT: DSPTS Refurbishment @ Laney College
Bid no: 08-09/29

DATE: MAY 14TH, 2010

OWNER: Peralta Community College District

DSA FILE NO.: 110373

DSA APP NO.: 110373

CONTRACTOR: EDEN -CDM

PCCD FILE NO.: 2314

| | | |
|---|--|--|
| 1 | Executed Preliminary Change Order No. Allowance Letters 1 & 2 | ADD/DEDUCT: -\$25,195.15 ADD/DEDUCT: 0 CD |
|---|--|--|

Description: Appropriate credit for the allowance scope of work - Roof top mechanical unit and related structural work not performed at DSPTS

Requested by: F-2

Reason: Addendum #3-Phase II work for Roof top mechanical unit and related structural work that was not executed under original contract.

DSA prelim. approval date: NA

| | | |
|---|---------------------------------------|-------------------------------------|
| 2 | Executed Preliminary Change Order No. | ADD/DEDUCT: \$0 ADD/DEDUCT: 0 CD |
|---|---------------------------------------|-------------------------------------|

Description:

Requested by:

Reason:

DSA prelim. approval date:

End of Items

PERALTA COMMUNITY COLLEGE DISTRICT

PROJECT FINAL ACCEPTANCE

PROJECT NAME: DSPS Offices Refurbishment Project (2314)

LOCATION: Laney College

CONTRACTOR: EDEN-CDM

For

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

Contractor:

EDSE Yu

Print Name

Signature

10/25/10

Date

Inspector:

MATT POWEN

Print Name

Signature

10-25-10

Date

Director of Capital Project:

Mark Sennette

Print Name

Signature

11/01/10

Date

College Business Manager:

GEORGE KOZITZA

Print Name

Signature

11/16/10

Date

College President:

STIGRA I. WEBB

Print Name

Signature

11-16-10

Date

Recording Requested By:
Peralta Community College District

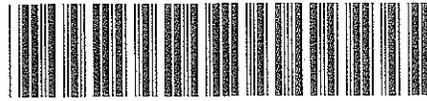
When Recorded, Mail To:
Office of General Services
333 East 8th Street
Oakland, CA 94606



2010235611

08/16/2010 01:33 PM

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



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

NATURE OF INTEREST OR ESTATE: Fee

PROJECT CONTRACT TITLE: DSPS Offices Refurbishment Project at Laney College (Bid No. 08-09/29)

PROJECT NUMBER: 2314

PROJECT ADDRESS: 900 Fallon Street, Oakland, CA 94607

CONTRACTOR: EDEN CDM

CONTRACTOR'S ADDRESS: 2024 22nd Avenue, Oakland, CA 94606

DSA APPLICATION NUMBER: 110373

CONTRACT START DATE: 06/08/09

ORIGINAL CONTRACT TIME: 70 CD

CONTRACT TIME EXTENSIONS: 95 CD

APPROVED VIA CHANGE ORDER: 95 CD

CONTRACT COMPLETION DATE: January 22nd, 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

8/9/10

(Signature of Affiant)

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

8/9/10

(Signature of Affiant)

Date

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