

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

ITEM # 34

ITEM TITLE:

Consider Approval of Resolution 10/11-39, Acceptance and Retention, Short Term Construction Project at Berkeley City College, AJF/BHM, A Joint Venture

SPECIFIC BOARD ACTION REQUESTED:

Approval of Resolution 10/11-39, Acceptance and Retention, Short-Term Construction Project at Berkeley City College, AJF/BHM, A Joint Venture.

ITEM SUMMARY:

On October 13, 2009, this Board awarded a contract to AJF/BHM, A Joint Venture for the Short-Term Construction Project at Berkeley City College. The work has now been completed, a Notice of Completion has been filed with the County of Alameda, and the Berkeley City College 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 \$77,093.60, which is 10% of the contract price. The Board previously approved change orders to this contract totaling \$67,618.00, which is 9.6% of the original contract amount (\$703,318.00).

BACKGROUND/ANALYSIS:

This project is one of the previously Board approved Berkeley City College Modernization and Short-Term Projects, funded by Measure A. The modernization and short term project allocation for Berkeley City College was discussed by the Board Facilities and Land Use Committee and approved by the Board of Trustees at the meeting of October 9, 2007.

ALTERNATIVES/OPTIONS:

Not applicable.

EVALUATION AND RECOMMENDED ACTION:

Approval of Resolution 10/11-39, Acceptance and Retention, Short-Term Construction Project at Berkeley City College, AJF/BHM, A Joint Venture, 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, Berkeley City College, "Plumbing, electrical, mechanical system upgrades and improvements," and "Remodeling classroom space."

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. Ikhano Date: 11-26-2010
Dr. Sadiq B. Ikhano
Vice Chancellor of General Services

DOCUMENT PRESENTED BY:

Sadiq B. Ikhano Date: 11-26-2010
Dr. Sadiq B. Ikhano
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 10/11-39**

**ACCEPTANCE AND RETENTION
SHORT-TERM CONSTRUCTION PROJECT AT BERKELEY CITY COLLEGE
AJF/BHM, A JOINT VENTURE**

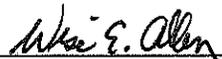
WHEREAS, AJF/BHM, A Joint Venture, a corporation existing under and by virtue of the laws of the State of California, the contractor under that certain contract with the Peralta Community College District, Alameda County, State of California, for all labor, materials, mechanical workmanship, transportation, equipment and services necessary for the Short-Term Construction Project at Berkeley City 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 SEVENTY-SEVEN THOUSAND NINETY-THREE AND 60/100 DOLLARS (\$77,093.60), which is ten percent (10%) of the original contract price, as modified by Change Order Nos. 1 and 2, 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

PROJECT FINAL ACCEPTANCE
Berkeley City College

PROJECT NAME: BCC-Short Term Construction Project-Phase II

PROJECT NUMBER: 2323

PROJECT MANAGER: Trent Tornabene

CONTRACTOR: AJF/BHM A Joint Venture

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

December 07, 2010

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

College President

Betty Inclan 6-24-10
Ms. Betty Inclan (signature) (date)

College Business Manager

Shirley Slaughter 6/23/10
Ms. Shirley Slaughter (signature) (date)

