

**PERALTA COMMUNITY COLLEGE DISTRICT**  
**Board of Trustees Agenda Report**  
**For the Trustee Meeting Date of March 15, 2011**

ITEM # 26

**ITEM TITLE:**

Consider Approval of Resolution 10/11-63, Acceptance and Retention, Student Health Services Swing Space at Laney College, On Point Construction

**SPECIFIC BOARD ACTION REQUESTED:**

Approval of Resolution 10/11-63, which formally accepts the Student Health Services Swing Space project as complete and provides for a retention payment to the contractor, On Point Construction.

**ITEM SUMMARY:**

On September 28, 2010, this Board ratified the contract award to On Point Construction for the Student Health Services Swing Space at Laney College. The work has now been completed, a Notice of Completion has been filed with the County of Alameda, and the Laney College President and Business Manager have signed the Project College Acceptance Form. This resolution accepts the work as complete and provides for a retention payment of \$7,480, which is 10% of the contract price (\$74,800). There were no additive change orders on this project.

**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, District-Wide Projects, "Classrooms and facilities to enhance the community outreach capabilities of the District among the numerous ethnic communities living in and served by the District."

**BACKGROUND/ANALYSIS:**

The swing space will provide temporarily housing for Peralta Student Health Services. The Board previously ratified one deductive change order to this contract, in the amount of (\$57,880), which was a reduction of 43.6% to the original contract price of \$143,680. The change order reduced the scope of work not critical to the operational needs of the swing space in order to meet budget limitations.

**ALTERNATIVES/OPTIONS:**

Not applicable.

**EVALUATION AND RECOMMENDED ACTION:**

Approval of Resolution 10/11-63, which formally accepts the Student Health Services Swing Space project as complete and provides for a retention payment to the contractor, On Point Construction, is recommended.

**OTHER DEPARTMENTS IMPACTED BY THIS ACTION (E.G. INFORMATION TECHNOLOGY):**

YES \_\_\_\_\_ No  X

**COMMENTS:**

All Board approved contracts are subject to final 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 \_\_\_\_\_ No X**

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

**PLEASE ACQUIRE SIGNATURES IN THIS ORDER:**

**DOCUMENT PREPARED BY:**  
Prepared by: Sadiq B. Ikhano Date: 3-3-11  
Dr. Sadiq B. Ikhano  
Vice Chancellor of General Services

**DOCUMENT PRESENTED BY:**  
Sadiq B. Ikhano Date: 3-3-11  
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 by re Date: 3/11/11  
Ronald Gerhard, Chief Financial Officer

**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 electronically by re Date: 3/8/11  
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: 3/8/11  
Wise E. Allen, Chancellor

# PERALTA COMMUNITY COLLEGE DISTRICT

## PROJECT FINAL ACCEPTANCE

PROJECT NAME: Laney Health Clinic Swing Space Project (2314)

LOCATION: Laney College

CONTRACTOR: OnPoint Construction

This Project is accepted as complete and approved by Laney College, and is signed by Contractor and Director of Capital Projects.

Contractor:

OnPoint Constr

Print Name

Signature

2-17-2011

Date

Inspector: N/A

NA

Print Name

NA

Signature

NA

Date

Director of Capital Project: / Facilities Project Manager

Trent Tornabene

Print Name

Signature

02/23/2011

Date

College Business Manager:

Brian E. Sabornie

Print Name

Signature

2-27-11

Date

College President:

Print Name

Signature

rec'd 3.2.11

3.3.11

Date

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: Student Health Service Swing Space at Laney College  
PROJECT NUMBER: 2314  
PROJECT ADDRESS: 900 Fallon Street, Oakland, CA 94607  
CONTRACTOR: On Point Construction  
CONTRACTOR'S ADDRESS: 8 Seville Court, Millbrae, CA 94030  
DSA APPLICATION NUMBER: N/A  
CONTRACT START DATE: 10/01/2010  
ORIGINAL CONTRACT TIME: 30 Days  
CONTRACT TIME EXTENSIONS: 9 Days  
APPROVED VIA CHANGE ORDER: N/A  
CONTRACT COMPLETION DATE: 11/08/2010

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)

3/7/11  
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  
(Signature of Affiant)

3/7/11  
Date

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

**PERALTA COMMUNITY COLLEGE DISTRICT  
RESOLUTION 10/11-63  
ACCEPTANCE AND RETENTION**

**STUDENT HEALTH SERVICES SWING SPACE AT LANEY COLLEGE  
ON POINT CONSTRUCTION**

WHEREAS, On Point Construction, a partnership 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 Student Health Services Swing Space 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 SEVEN THOUSAND FOUR HUNDRED EIGHTY AND NO/100 DOLLARS (\$7,480.00), which is ten percent (10%) of said contract price, as modified by Deductive Change Order No. 1, 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 15th day of March, 2011. 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