

**PERALTA COMMUNITY COLLEGE DISTRICT**  
**Board of Trustees Agenda Report**  
**For the Trustee Meeting Date of April 26, 2011**

ITEM # 22

**ITEM TITLE:**

Consider Approval of Resolution 10/11-75, Acceptance and Retention, and Ratification of Deductive Change Order No. 1, Building E Improvements at Merritt College, BHM Construction, Inc.

**SPECIFIC BOARD ACTION REQUESTED:**

Approval of Resolution 10/11-75, which formally accepts the Building E (Gymnasium) Improvements project at Merritt College as complete and provides for a retention payment to the contractor, BHM Construction, Inc.

**ITEM SUMMARY:**

On May 25, 2010, this Board ratified the contract award to BHM Construction, Inc. for the Building E Improvements at Merritt College. The work has now been completed, a Notice of Completion has been filed with the County of Alameda, and the Merritt 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 \$69,309.50, which is 10% of the contract price less the amount of deductive Change Order No. 1.

Ratification is also requested for Change Order No 1, a deduction in the amount of (\$34,614.00), which is a reduction of 4.7% to the original contract amount of \$727,709.00. The change order provides a credit to the contract amount for an unused concrete subfloor repair allowance. The complexity of the existing substructure was less than anticipated, allowing the project to realize cost savings. It is in the best interests of the District and financially prudent to authorize this change order. Approval to accept the project as complete and ratification of deductive Change Order No. 1 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, Merritt College, "Classroom and facilities repairs and ground improvements," and "Equipment, technology upgrades, and facility and classroom improvements for the college's following programs: Science, Child Development, Communications, English as a Second Language at the Fruitvale Education Center, Art, Ceramics, Landscape Horticulture/Design, Learning Center, Liberal Arts, Music, **Physical Education/Athletics**, and Radiologic Science.

**BACKGROUND/ANALYSIS:**

The changes have been reviewed and approved by the project architect, Byrens Kim Designworks, the IOR (Inspector of Record) Tony Ogbeide, the project manager, Bovis Lend Lease, and the General Services Department.

**ALTERNATIVES/OPTIONS:**

Not applicable.

**ALTERNATIVES/OPTIONS:**

Not applicable.

**EVALUATION AND RECOMMENDED ACTION:**

Approval of Resolution 10/11-75, which formally accepts the Building E (Gymnasium) Improvements project at Merritt College as complete and provides for a retention payment to the contractor, BHM Construction, Inc., 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. Ikharmo Date: 4-14-2011  
Dr. Sadiq B. Ikharmo  
Vice Chancellor of General Services

DOCUMENT PRESENTED BY:

Sadiq B. Ikharmo Date: 4-14-2011  
Dr. Sadiq B. Ikharmo  
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: 4/20/11  
Ron 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: 4/20/11  
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: 4/18/11  
Wise E. Allen, Chancellor

# 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. 1

**PROJECT:** Merritt College Building E Finish Replacement **DATE:** 4/1/11

**OWNER:** Peralta Community College District **DSA FILE NO.:** 1-C1

**CONTRACTOR:** BHM Construction **DSA APP NO.:** 01-110992

**PROJECT MANAGER:** Johnnie Fudge **PCCD PROJECT #:**

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.....\$ 727,709.00

Net Change by previously authorized Change Orders.....\$ 0.00

The Contract sum prior to this Change Order was.....\$ 727,709.00

The Contract sum will be increased/decreased by this Change Order.....\$ <34,614.00>

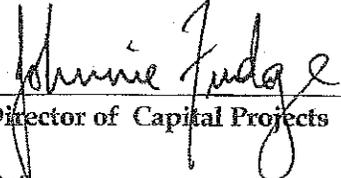
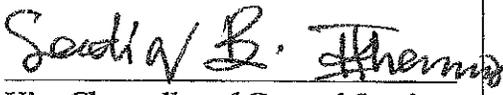
The New Contract Sum including this Change Order will be.....\$ 693,095.00

Cumulative Change Order(s) as a percentage of contract including this Change Order <4.7>%

The Contract is changed by (0) Days

Contract completion date as of this Change Order therefore is: 1/31/11

Summary reference attached items P.C.O. No. 1

<p><b>Approved:</b> Architect of Record</p> <div style="text-align: center;">  </div> <p>Date: 4/1/11</p>	<p><b>Approved:</b> General Contractor</p> <div style="text-align: center;">  </div> <p style="text-align: center;">SEAN W. DIEDER</p> <p>Date: 4/6/11</p>	<p><b>Approved:</b> Peralta Community College District</p> <div style="text-align: center;">  </div> <p style="text-align: center;">Director of Capital Projects</p> <p>Date:</p> <hr/> <div style="text-align: center;">  </div> <p style="text-align: center;">Vice Chancellor of General Services</p> <p>Date: 4-12-11</p>
<p><b>Approved:</b> Electrical or Structural Engineer</p>    <p>Date:</p>	<p><b>Approved:</b> Mechanical Engineer</p>    <p>Date:</p>	<p><b>Approved:</b> Div. of the State Architect</p>    <p>Date:</p>

# PERALTA COMMUNITY COLLEGE DISTRICT

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## SUMMARY OF CHANGE ORDER No. 1 Attachment

**PROJECT:** Merritt College Building E Finish Replacement **DATE:** 4/1/11  
**OWNER:** Peralta Community College District **DSA FILE NO.:** 1-C1  
**CONTRACTOR:** BHM CONSTRUCTION **DSA APP NO.:** 01-110992  
**PROJECT MANAGER:** Johnnie Fudge **PCCD FILE NO.:** 2303

1	PCO # 001	ADD/DEDUCT \$	(\$34,614.00)
		ADD/DEDUCT	0 Days

**Description:** Credit for unused concrete subfloor repair allowance  
**Requested by:** District  
**Reason:** Repairs were not as extensive as anticipated.  
**DSA prelim. approval date:** N/A

End of Items

# PERALTA COMMUNITY COLLEGE DISTRICT

## PROJECT FINAL ACCEPTANCE

PROJECT NAME: BUILDING E-Finish Replacements

LOCATION: Merritt College-Building E

CONTRACTOR: BHM Construction

This Project is accepted as complete and approved by the College based on the signatures from the Architect, Inspector, Project Manager and Director of Capital Projects.

### Architect:

  
Dong Kim (Byrens Kim Design Works)

DONG KIM  
Signature

1/4/11  
Date

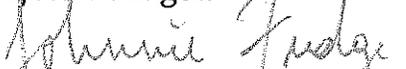
### Inspector:

  
Tony Ogbeide (AOA-INC)

Tony Ogbeide  
Signature

12/29/10  
Date

### Project Manager:

  
Johnnie Fudge (PCCD)

Johnnie Fudge  
Signature

1/7/11  
Date

### Director of Capital Projects:

\_\_\_\_\_  
(PCCD)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

### College Business Manager:

  
Alice Marez (Merritt College/PCCD)

AMAREZ  
Signature

4/19/11  
Date

### College President:

Robert Adams  
Dr. Robert Adams (Merritt College/PCCD)

  
Signature

4/18/11  
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: Merritt College Building E Finish Replacement Project  
PROJECT NUMBER: 2303-30-107  
PROJECT ADDRESS: 12500 Campus Drive, Oakland, CA 94619  
CONTRACTOR: BHM Construction  
CONTRACTOR'S ADDRESS: 522 Walnut Avenue  
DSA APPLICATION NUMBER: 110992  
CONTRACT START DATE: July 6, 2010  
ORIGINAL CONTRACT TIME: 120 Calendar days  
CONTRACT TIME EXTENSIONS: 154 Calendar Days  
APPROVED VIA CHANGE ORDER: 0 Calendar Days  
CONTRACT COMPLETION DATE: April 6, 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 4/18/11  
(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 4/18/11  
(Signature of Affiant) Date

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

**PERALTA COMMUNITY COLLEGE DISTRICT  
RESOLUTION 10/11-75  
ACCEPTANCE AND RETENTION**

**BUILDING E IMPROVEMENTS AT MERRITT COLLEGE  
BHM CONSTRUCTION, INC.**

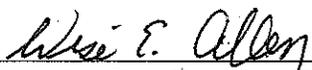
WHEREAS, BHM Construction, Inc., a corporation existing under and by virtue of the laws of the State of California, the contractor under that certain contract with the Peralta Community College District, Alameda County, State of California, for all labor, materials, mechanical workmanship, transportation, equipment and services necessary for the Building E Improvements at Merritt 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 SIXTY-NINE THOUSAND THREE HUNDRED NINE AND 50/100 DOLLARS (\$69,309.50), 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 26<sup>th</sup> day of April, 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