

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

ITEM # 23

ITEM TITLE:

Consider Approval of Resolution 10/11-76, Acceptance and Retention, Building D Modernization at Merritt College, BHM Construction, Inc.

SPECIFIC BOARD ACTION REQUESTED:

Approval of Resolution 10/11-76, which formally accepts the Building D (Science Building) Modernization 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 awarded a contract to BHM Construction, Inc. for the Building D Modernization at Merritt College. The work has now been completed, a Notice of Completion has been filed with the County of Alameda, and the Merritt 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 \$41,734.10, which is approximately 5% of the contract price. The Board previously approved a change order to this contract in the amount of \$23,809.00, which is 2.9% of the original contract amount (\$815,730.00).

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, "Plumbing, electrical, mechanical system upgrades and improvements," and "Classroom and facilities repairs and ground improvements."

BACKGROUND/ANALYSIS:

The Board previously approved a change order to this contract in the amount of \$23,809.00, which is 2.9% of the original contract amount (\$815,730.00).

ALTERNATIVES/OPTIONS:

Not applicable.

EVALUATION AND RECOMMENDED ACTION:

Approval of Resolution 10/11-76, 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. Ikharo Date: 4-13-2011
Dr. Sadiq B. Ikharo
Vice Chancellor of General Services

DOCUMENT PRESENTED BY:

Sadiq B. Ikharo Date: 4-15-2011
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 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
RESOLUTION 10/11-76
ACCEPTANCE AND RETENTION**

**BUILDING D MODERNIZATION 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 D Modernization 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 FORTY-ONE THOUSAND SEVEN HUNDRED THIRTY-FOUR AND 10/100 DOLLARS (\$41,734.10), which is approximately five percent (5%) of said contract price, as modified by Change Order No. 1, shall be made thirty-five (35) 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 26th 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

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 D Minor Repairs (Improvements) Project

PROJECT NUMBER: 2303

PROJECT ADDRESS: 12500 Campus Drive, Oakland, CA 94619

CONTRACTOR: BHM Construction

CONTRACTOR'S ADDRESS: 522 Walnut Avenue

DSA APPLICATION NUMBER: 110992

CONTRACT START DATE: May 26, 2010

ORIGINAL CONTRACT TIME: 90 Calendar days

CONTRACT TIME EXTENSIONS: 15 Calendar Days

APPROVED VIA CHANGE ORDER: 65 Calendar Days

CONTRACT COMPLETION DATE: November 12, 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

Date

(Signature of Affiant)

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

Date

(Signature of Affiant)

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