

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

ITEM # 24

ITEM TITLE:

Consider Approval of Resolution 10/11-77, Acceptance and Retention, Building A Swing Space at Merritt College, Cumiskey Construction Corporation

SPECIFIC BOARD ACTION REQUESTED:

Approval of Resolution 10/11-77, which formally accepts the Building A Swing Space at Merritt College project as complete and provides for a retention payment to the contractor, Cumiskey Construction Corporation.

ITEM SUMMARY:

On April 13, 2010, this Board awarded a contract to Cumiskey Construction Corporation for the Building A Swing Space 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 \$53,441, which is 10% of the contract price.

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 two change orders to this contract in the total amount of \$48,505, which is 9.98% of the original contract amount (\$485,901).

ALTERNATIVES/OPTIONS:

Not applicable.

EVALUATION AND RECOMMENDED ACTION:

Approval of Resolution 10/11-77, which formally accepts the Building A Swing Space at Merritt College project as complete and provides for a retention payment to the contractor, Cumiskey Construction Corporation, 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: 4-15-2011
Dr. Sadiq B. Ikharo
Vice Chancellor of General Services

DOCUMENT PRESENTED BY:

Sadiq B. Ikharo Date: 4-15-11
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

PROJECT FINAL ACCEPTANCE

PROJECT NAME: BUILDING A-Swing Space

LOCATION: Merritt College-Building A

CONTRACTOR: Cumiskey 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:

MARK B. STEPPAN
Mark Steppan (NBBJ)

[Signature]
Signature

11
Date

Inspector:

TONY OGBEIDE
Tony Ogbeide (AOA-INC)

[Signature]
Signature

12/29/10
Date

Project Manager:

[Signature]
Johnnie Fudge (PCCD)

[Signature]
Signature

4/18/11
Date

Director of Capital Projects:

(PCCD)

Signature

Date

College Business Manager:

ALICE MAREZ
Alice Marez (Merritt College/PCCD)

[Signature]
Signature

4/19/11
Date

College President:

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

[Signature]
Signature

4/18/11
Date

**PERALTA COMMUNITY COLLEGE DISTRICT
RESOLUTION 10/11-77
ACCEPTANCE AND RETENTION**

**BUILDING A SWING SPACE AT MERRITT COLLEGE
CUMISKEY CONSTRUCTION CORPORATION**

WHEREAS, Cumiskey Construction Corporation, 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 A Swing Space 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 FIFTY-THREE THOUSAND FOUR HUNDRED FORTY-ONE AND NO/100 DOLLARS (\$53,441.00), which is ten percent (10%) of said 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 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