

PERALTA COMMUNITY COLLEGE DISTRICT
Board of Trustees Agenda Report
For the Trustee Meeting Date of June 14, 2011

ITEM # 25

ITEM TITLE:

Consider Approval of Resolution 10/11-84, Acceptance and Retention, and Ratification of Deductive Change Order No. 1, Tennis Court Bleachers at College of Alameda, JUV Inc.

SPECIFIC BOARD ACTION REQUESTED:

Approval of Resolution 10/11-84, which formally accepts the Tennis Court Bleachers project at College of Alameda as complete and provides for a retention payment to the contractor, JUV Inc. Ratification is also requested for Deductive Change Order No. 1 to the contract, in the amount of (\$24,179.93).

ITEM SUMMARY:

On July 20, 2010, this Board awarded a contract to JUV Inc. for the Tennis Court Bleachers at College of Alameda. This project is one of the previously Board approved modernization and short-term projects for College of Alameda. The work has now been completed, a Notice of Completion has been filed with the County of Alameda, and the College of Alameda 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 \$22,638.56, which is 5% of the contract price.

Ratification is also requested for Change Order No. 1, a deduction in the amount of (\$24,179.93), which reduces the original contract amount of \$476,951.00 by 5.1%. The deductions were due to a change from a slurry seal to a different seal coat and the return of unused allowances that were included in the contract price. The change order also extends the contract completion date by 187 days to May 31, 2011. The time extension was necessary because multiple delays were experienced due to rainy weather. Also, in order for programming to occur for the new lighting controls of the tennis courts, the District had to install a fiber backbone to the existing storage unit. Although the final work items were completed later, the college was able to use all other components in April. It is in the best interests of the District and financially prudent to authorize this change order.

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, College of Alameda, "Remodeling and equipping classroom and campus facilities," and "Campus security and safety."

BACKGROUND/ANALYSIS:

The changes have been reviewed and approved by the project architect, the IOR (Inspector of Record), the project manager and the General Services Department. It was necessary for the contractor to perform the change order work so that the schedule would not be delayed and the sequencing of the work would not be adversely affected. In accordance with Board Policy 6.83, approval was requested from the Chancellor for the

change order work, and Board ratification is now requested. It is in the best interests of the District and financially prudent to authorize this change order.

ALTERNATIVES/OPTIONS:

Not applicable.

EVALUATION AND RECOMMENDED ACTION:

Approval of Resolution 10/11-84, which formally accepts the Tennis Court Bleachers project at College of Alameda as complete and provides for a retention payment to the contractor, JUV Inc., is recommended. Ratification is also recommended for Deductive Change Order No. 1 to the contract with JUV Inc.

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: 6-3-11
Dr. Sadiq B. Ikharo
Vice Chancellor of General Services

DOCUMENT PRESENTED BY:
Sadiq B. Ikharmo Date: 6-3-11
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: 6/9/11
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: 6/9/11
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: 6/7/11
Wise E. Allen, Chancellor

PROJECT FINAL ACCEPTANCE

PROJECT NAME: Tennis Court Bleachers at COA

PROJECT NUMBER: 2315

PROJECT MANAGER: Olivia Rocha, Olive CM Inc.

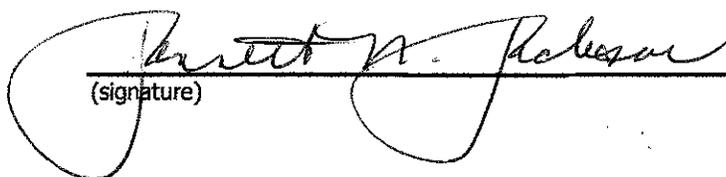
CONTRACTOR: J.U.V. Inc.

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

June 14, 2011

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

College President

 5/3/11
(signature) (date)

College Business Manager

 5-3-11
(signature) (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: TENNIS COURT BLEACHERS AT COA
PROJECT NUMBER: 2315
PROJECT ADDRESS: 555 RALPH APPEZZATO MEMORIAL PARKWAY ALAMEDA, CA 94501
CONTRACTOR: J.U.V. INC.
CONTRACTOR'S ADDRESS: 1616 FRANKLIN STREET, SUITE 203, OAKLAND, CA 94612
DSA APPLICATION NUMBER: ACCESS ONLY 111053
CONTRACT START DATE: 8/12/2010
ORIGINAL CONTRACT TIME: 105 DAYS TO 11/24/2010
CONTRACT TIME EXTENSIONS: 187 CALENDAR DAYS TO 5/31/11
APPROVED VIA CHANGE ORDER: CO 1 & BOARD ACTION
CONTRACT COMPLETION DATE: 5/31/11

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)
Dr. Sadiq Bello Ikharo
Vice Chancellor, General Services

6-3-11
Date

I declare under penalty of perjury that the foregoing is true to the best of my knowledge.

Sadiq B. Ikharo
(Signature of Affiant)
Dr. Sadiq Bello Ikharo
Vice Chancellor, General Services

6-3-11
Date

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: TENNIS COURT BLEACHERS AT COA

DATE: APRIL 11, 2011

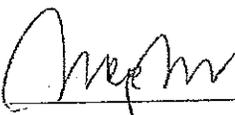
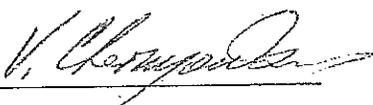
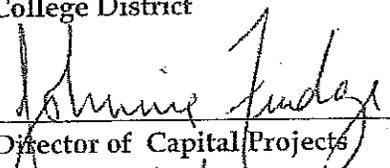
OWNER: Peralta Community College District
CONTRACTOR: J.U.V. INC.

DSA FILE NO.: na
DSA APP NO.: na
PCCD PROJECT #: 2315
PROJECT MANAGER: Olive CM Inc.

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. Through acceptance of this change order, this Contractor acknowledges that it has reviewed the progress of the work related to this project and the potential impact of the added work on the progress of the project in the future. As a result, this change order includes compensation to the Contractor for any and all effects, delays, inefficiencies or similar demands associated with this project and the Contractor recognizes that there is no basis for any such claim in the future. Please note that all other terms and conditions of the contract remain unchanged and that all costs to maintain our original contract schedule with the inclusion of the adjusted scope of work as set forth by this change order are included within the lump sum change order amount stated herein.

Original Contract Sum.....\$ 476,951.00
 Net Change by previously authorized Change Orders.....\$ 0.00
 The Contract sum prior to this Change Order was.....\$ 476,951.00
 The Contract sum will be increased/decreased by this Change Order.....\$ (24,179.93)
 The New Contract Sum including this Change Order will be.....\$ 452,771.07
 Cumulative Change Order(s) as a percentage of contract including this Change Order -5.07%
 The Contract is changed by (156) Calendar Days
 Contract completion date as of this Change Order therefore is: April 29, 2011

Summary reference attached items P.C.O. 1,2

<p>Approved: Architect of Record</p>  <hr/> <p>Date: 4.13.11</p>	<p>Approved: General Contractor</p>  <hr/> <p>Date: 4/11/2011</p>	<p>Approved: Peralta Community College District</p>  <hr/> <p>Director of Capital Projects Date: 6/3/11</p> <hr/> <p>Sadiq B. Ithano Vice Chancellor of General Services Date: 6-3-2011</p>
<p>Approved: Electrical or Structural Engineer</p> <hr/> <p>Date:</p>	<p>Approved: Mechanical Engineer</p> <hr/> <p>Date:</p>	<p>Approved: Div. of the State Architect</p> <hr/> <p>Date:</p>

PERALTA COMMUNITY COLLEGE DISTRICT

Office of General Services • 333 East 8th Street Oakland, California 94606 • Phone 510/466-7200 • Fax 510/466-7315

SUMMARY OF CHANGE ORDER No. 1 Attachment

PROJECT: TENNIS COURT BLEACHER AT COA DATE: APRIL 11, 2011
OWNER: Peralta Community College District DSA FILE NO.: na
CONTRACTOR: J.U.V. CONSTRUCTION INC. DSA APP NO.: na
PCCD FILE NO.: 2315

1	PCO 8	DEDUCT (\$2,186.10)
		ADD/DEDUCT Insert No. Days

Description: Provide credit for application of slurry seal vs seal coat
Requested by: 2A- Application of a seal coat and elimination of a slurry seal
Reason: Due to the cold and wet weather, the application of slurry seal could not occur as the product could not be warranted. This change allowed the project to move forward to completion with the application of a seal coat that could be applied to cold surfaces
DSA prelim. approval date: na

2	Release of Allowance	DEDUCT (\$21,993.83)
		ADD/DEDUCT Insert No. Days

Description: Deductive change order to return remaining allowance to District
Requested by: 2F - Deductive change order to return all unused allowance to District
Reason: Included in the project were two allowances. The first allowance was for unforeseen issues related to construction. The second allowance was for unforeseen damage to the underground utilities. A total deductive amount of \$24,179.93 was left in the two allowances.
DSA prelim. approval date: na

End of Items

**PERALTA COMMUNITY COLLEGE DISTRICT
RESOLUTION 10/11-84
ACCEPTANCE AND RETENTION**

**TENNIS COURT BLEACHERS AT COLLEGE OF ALAMEDA
JUV INC.**

WHEREAS, JUV 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 Tennis Court Bleachers project at College of Alameda, 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 TWENTY-TWO THOUSAND SIX HUNDRED THIRTY-EIGHT AND 56/100 DOLLARS (\$22,638.56), which is five percent (5%) 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 14th day of June, 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