

**Board of Trustees Agenda Report
For the Trustee Meeting Date of September 13, 2011**

ITEM TITLE:

Consider Approval of Resolution 11/12-14, Acceptance and Retention, Berkeley City College ADA Project, Eternal Construction, Inc.

SPECIFIC BOARD ACTION REQUESTED:

Approval of Resolution 11/12-14, which formally accepts the Berkeley City College ADA Project as complete and provides for a retention payment to the contractor, Eternal Construction, Inc.

ITEM SUMMARY:

On January 18, 2011, this Board ratified a contract award to Eternal Construction, Inc. for the Berkeley City College ADA Project. The work has now been completed, a Notice of Completion has been filed with the County of Alameda, and the Berkeley City College President and Business Manager have signed the Project College Acceptance Form. The work was performed to comply with a court ordered corrective action. This resolution formally accepts the work as complete and provides for a retention payment of \$3,106, which is 10% of the contract price (\$31,060).

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, Berkeley City College, "Handicap accessibility."

BACKGROUND/ANALYSIS:

There have been no change orders to this contract.

ALTERNATIVES/OPTIONS:

Not applicable.

EVALUATION AND RECOMMENDED ACTION:

Approval of Resolution 11/12-14, which formally accepts the Berkeley City College ADA Project as complete and provides for a retention payment to the contractor, Eternal 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: 9-3-11
Dr. Sadiq B. Ikharo
Vice Chancellor of General Services

DOCUMENT PRESENTED BY:

Sadiq B. Ikharmo Date: 9-3-11
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 vr Date: 9/8/11
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 vr Date: 9/8/11
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: 9/8/11
Wise E. Allen, Chancellor

Recording Requested By:
Peralta Community College District



2011216268 07/27/2011 10:36 AM
OFFICIAL RECORDS OF ALAMEDA COUNTY
PATRICK O'CONNELL
RECORDING FEE: 0.00

When Recorded, Mail To:
Office of General Services
333 East 8th Street
Oakland, CA 94606



1 PG

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: BCC ADA Project
PROJECT NUMBER: 2336
PROJECT ADDRESS: 2050 Center Dr., Berkeley, CA 94704
CONTRACTOR: Eternal Construction
CONTRACTOR'S ADDRESS: 1660 Rollins Rd., Burlingame, CA 94010
DSA APPLICATION NUMBER: NA
CONTRACT START DATE: 02/07/2011
ORIGINAL CONTRACT TIME: 60 calendar days
CONTRACT TIME EXTENSIONS: 0
APPROVED VIA CHANGE ORDER: NA
CONTRACT COMPLETION DATE: April 08, 2011

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)

7-20-2011

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)

7-20-2011

Date

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

PERALTA COMMUNITY COLLEGE DISTRICT

PROJECT FINAL ACCEPTANCE

PROJECT: BCC ADA Project
LOCATION: Berkeley City college
CONTRACTOR: Eternal Construction

This Project is accepted as complete and approved by the College

Facilities Project Manager:

Steve Tordani
Print Name

[Signature]
Signature

8/8/11
Date

College Business Manager:

Shirley Slaughter
Print Name

[Signature]
Signature

8/8/11
Date

College President:

Betty Inelar
Print Name

[Signature]
Signature

8-8-11
Date

**PERALTA COMMUNITY COLLEGE DISTRICT
RESOLUTION 11/12-14
ACCEPTANCE AND RETENTION**

**BERKELEY CITY COLLEGE ADA PROJECT
ETERNAL CONSTRUCTION, INC.**

WHEREAS, Eternal 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 Berkeley City College ADA Project, 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 THREE THOUSAND ONE HUNDRED SIX AND NO/100 DOLLARS (\$3,106.00), which is ten percent (10%) of said contract price, 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 13th day of September, 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