

**PERALTA COMMUNITY COLLEGE DISTRICT**  
**Board of Trustees Agenda Report**  
**For the Trustee Meeting Date of June 12, 2012**

ITEM # 46

**ITEM TITLE:**

Consider Approval of Resolution 11/12-45, Acceptance and Retention, and *Ratification* of Change Order No. 4, Learning Center/Library Renovation Project at Merritt College, Alten Construction, Inc.

**SPECIFIC BOARD ACTION REQUESTED:**

Approval of Resolution 11/12-45, which formally accepts the Learning Center/Library Renovation project at Merritt College as complete and provides for a retention payment to the contractor, Alten Construction, Inc. Ratification is also requested for Change Order No. 4 to the contract, in the amount of \$24,664.

**ITEM SUMMARY:**

On December 7, 2010, this Board approved awarding a contract to Alten Construction, Inc. for the Learning Center/Library Renovation project 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. Project acceptance is recommended. This resolution accepts the work as complete and provides a retention payment of \$384,617, which is 10% of the contract price as modified by change orders.

*Ratification* is also requested for Change Order No. 4, in the amount of \$24,664. Including the previously Board approved Change Order Nos. 1, 2 and 3, the cumulative change order total is \$349,170, which is 9.99% of the original contract amount (\$3,497,000). In accordance with Board Policy 6.83, approval was requested from the Chancellor for the change order work, and Change Order No. 4 is now brought before the Board for ratification.

Change Order No. 4 was required to address non-compliant aspects of the existing building that were not included in the contract documents but are required for code compliance, safe occupancy of the building and correct functioning of the various systems. The non-compliant items included:

- Missing fire alarm monitoring modules for new flow-tamper switches and new fire smoke dampers, which were omitted from the original contract documents
- Correction of existing hidden flooring conditions that did not meet ADA accessibility codes

**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, "Additional space for the college Learning Center," "HVAC in Library," "Repair and refurbish Library bathrooms," "Language listening lab in Library," "Group Study rooms in Library," "Program/Event space in Library," "Remodel ancillary staff rooms in Library," 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:**

Change Order No. 4 has been reviewed and approved by the project architect, NBBJ; the project IOR (Inspector of Record), Anthonio, Inc.; the project manager, SGI Construction Management; and the General Services Department. It was necessary for the contractor to perform this work so that the project schedule would not be delayed and the sequencing of the work would not be adversely affected. It is in the best interests of the District and financially prudent to authorize this change order.

**DELIVERABLES/SCOPE OF WORK:**

This project renovated the current Building L Library to house the Merritt College Learning Center on the first floor. The library and support spaces remain on the second floor. The project included:

- Installation of a new elevator serving the first and second floors
- Painting existing interior walls
- Replacement of all existing flooring on the second and third floors
- Installation of new mechanical equipment to assist the existing air handling units in heating and cooling
- Installation of new ceilings and lighting

**ANTICIPATED COMPLETION DATE:**

The work under this project has been completed.

**ALTERNATIVES/OPTIONS:**

Not applicable.

**EVALUATION AND RECOMMENDED ACTION:**

Approval of Resolution 11/12-45, which formally accepts the Learning Center/Library Renovation project at Merritt College as complete and provides for a retention payment to the contractor, Alten Construction, Inc., is recommended. Ratification is also recommended for Change Order No. 4 to the contract, in the amount of \$24,664.

**OTHER DEPARTMENTS IMPACTED BY THIS ACTION (E.G. INFORMATION TECHNOLOGY):**

YES \_\_\_\_\_ No   X  

**COMMENTS:**

No additional comments.

**WHO WILL BE PRESENTING THIS ITEM AT THE BOARD MEETING? (VICE CHANCELLOR)**

Vice Chancellor Ikharo

(\*\*\*\*\*Board contract approval is subject to negotiation and execution by the Chancellor.)

**DOCUMENT PREPARED BY:**

Prepared by: *Dr. Sadiq B. Ikharo* Date: May 31, 2012  
Vice Chancellor for General Services

**DOCUMENT PRESENTED AND APPROVED BY:**

Presented and approved by: *Dr. Sadiq B. Ikharo* Date: May 31, 2012  
Vice Chancellor for 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: *Ronald Gerhard* Date: 6-7-12  
Ronald Gerhard, Vice Chancellor of Finance

**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 Thi Nguyen* Date: 6-7-12  
General Counsel

**CHANCELLOR'S OFFICE APPROVAL**

Approved, and Place on Agenda  Not Approved, but Place on Agenda

Signature: *Wise E. Allen* Date: 6-5-12  
Wise E. Allen, Chancellor

**PERALTA COMMUNITY COLLEGE DISTRICT  
RESOLUTION 11/12-45  
ACCEPTANCE AND RETENTION**

**LEARNING CENTER/LIBRARY RENOVATION  
AT MERRITT COLLEGE  
ALTEN CONSTRUCTION, INC.**

WHEREAS, Alten 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 Learning Center/Library Renovation 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 THREE HUNDRED EIGHTY-FOUR THOUSAND SIX HUNDRED SEVENTEEN AND NO/100 DOLLARS (\$384,617.00), which is ten percent (10%) of said contract price, as modified by Change Order Nos. 1, 2, 3 and 4, 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 12th day of June, 2012. The full Board has voted in support of this resolution, unless the Board meeting minutes reflect otherwise.

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Secretary of the Board of Trustees  
Peralta Community College District  
Alameda County  
State of California