

PERALTA COMMUNITY COLLEGE DISTRICT
Board of Trustees Agenda Report
For the Trustee Meeting Date of September 25, 2012

ITEM TITLE:

Consider Approval of Resolution 12/13-9, Acceptance and Retention, District Administration Center HVAC Project, Chevron Energy Solutions Company

SPECIFIC BOARD ACTION REQUESTED:

Approval of Resolution 12/13-9, which formally accepts the District Administration Center HVAC Project as complete and provides for a retention payment to the design-build contractor, Chevron Energy Solutions Company.

ITEM SUMMARY:

On December 9, 2009, Peralta entered into a design-build contract with Chevron Energy Solutions Company for replacement of HVAC (heating, ventilation and air conditioning) units at the District Administration Center. Although the project was originally scheduled to be completed by September 30, 2010, several design, installation and mechanical problems were discovered with the system, including the malfunction of the building's main gas regulator, resulting in a failure to balance the air flow of the HVAC units. Replacement of the gas regulator, repositioning of various thermostats, installation of office door registers, replacement of air diffusers, and all punch list items associated with the work have now been completed. A Notice of Completion has been filed with Alameda County. This resolution accepts the work as complete and provides for a retention payment of \$108,828, 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, District-Wide Projects, "Heating, air, and ventilation systems," and "Solar energy system installation and the retrofitting of existing energy systems."

BACKGROUND/ANALYSIS:

The Board of Trustees previously approved Change Order No. 1 to the contract in the amount of \$98,282, which is 9.9% of the original contract amount (\$990,003).

DELIVERABLES/SCOPE OF WORK:

Services provided by Chevron included, but were not limited to:

- Replacement of existing interior and exterior water source heat pumps
- Replacement of boiler and cooling tower
- Addition of electrical breakers, conduit and wiring
- Installation of new disconnect switches on new water source heat pumps
- Install Delta DDC controls to control new units

- All engineering specialties required to deliver a complete system
- Project management costs
- On-site construction management
- AutoCAD drawings and operation and maintenance manuals (hard and electronic copies)

ANTICIPATED COMPLETION DATE:

The work has been completed.

ALTERNATIVES/OPTIONS:

Not applicable.

EVALUATION AND RECOMMENDED ACTION:

Approval of Resolution 12/13-9, which formally accepts the District Administration Center HVAC Project as complete and provides for a retention payment to the design-build contractor, Chevron Energy Solutions Company, is recommended.

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 Ikhara

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

DOCUMENT PREPARED BY:

Prepared by: Dr. Sadiq B. Ikharo Date: September 13, 2012
Vice Chancellor of General Services

DOCUMENT PRESENTED AND APPROVED BY:

Presented and approved by: Dr. Sadiq B. Ikharo Date: September 13, 2012
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: Ronald Gerhard Date: 9-21-12
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: 9-21-12
General Counsel

CHANCELLOR'S OFFICE APPROVAL

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

Signature: José M. Ortiz Date: _____
José M. Ortiz, Chancellor

**PERALTA COMMUNITY COLLEGE DISTRICT
RESOLUTION 12/13-9
ACCEPTANCE AND RETENTION**

**DISTRICT ADMINISTRATION CENTER HVAC PROJECT
CHEVRON ENERGY SOLUTIONS COMPANY**

WHEREAS, Chevron Energy Solutions Company, a Division of Chevron U.S.A., Inc., a corporation existing under and by virtue of the laws of the State of Pennsylvania, the design-build 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 District Administration Center HVAC Project, has made application for acceptance of the work; and

WHEREAS, that said contractor has completed the work, and the final acceptance of this project is recommended; 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 ONE HUNDRED EIGHT THOUSAND EIGHT HUNDRED TWENTY-EIGHT AND NO/100 DOLLARS (\$108,828.00), 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 25th day of September, 2012. 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