

**PERALTA COMMUNITY COLLEGE DISTRICT**  
**Board of Trustees Agenda Report**  
**For the Trustee Meeting Date of October 23, 2012**

ITEM #

**ITEM TITLE:**

Consider Approval of Resolution 12/13-17, Acceptance and Retention, Laney College Athletic Complex, Gilbane Building Company

**SPECIFIC BOARD ACTION REQUESTED:**

Approval of Resolution 12/13-17, which formally accepts the Laney College Athletic Complex project as complete and provides for a retention payment to the design-build contractor, Gilbane Building Company.

**ITEM SUMMARY:**

At the meeting of November 18, 2008, the Board of Trustees approved negotiation of a design-build contract with Gilbane Building Company for the Laney College Athletic Complex. The work has now been completed and a Notice of Completion has been filed with the County of Alameda. Approval by the Board of Trustees is recommended. This resolution accepts the work as complete and provides for a retention payment of \$92,486.87, which is 5% 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, Laney College, "Athletic Fields, Gym and Facilities," and District-Wide Projects, "Solar energy system installation and the retrofitting of existing energy systems."**

**BACKGROUND/ANALYSIS:**

There have been five Board approved change orders. Change Order No. 2 established the final lump sum design-build project cost of \$17,540,000.00. The cumulative total of Change Order Nos. 3, 4 and 5 is \$446,445.00, which is 2.5% of the final lump sum price.

**DELIVERABLES/SCOPE OF WORK:**

The project scope of work included a new field house, landscaping, women's softball field, men's baseball field and an additional parking lot. The project also included photovoltaic solar panels that are roof mounted and parking lot shades. The project received gold certification from the U.S. Green Building Council (USGBC).

**ANTICIPATED COMPLETION DATE:**

The work has been completed.

**ALTERNATIVES/OPTIONS:**

Not applicable.

**EVALUATION AND RECOMMENDED ACTION:**

Approval of Resolution 12/13-17, which formally accepts the Laney College Athletic Complex project as complete and provides for a retention payment to the design-build contractor, Gilbane Building 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 Ikharo

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

**DOCUMENT PREPARED BY:**

Prepared by: Dr. Sadiq B. Ikharo Date: October 15, 2012  
Vice Chancellor of General Services

**DOCUMENT PRESENTED AND APPROVED BY:**

Presented and approved by: Dr. Sadiq B. Ikharo Date: October 15, 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: \_\_\_\_\_  
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: \_\_\_\_\_  
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 12/13-17  
ACCEPTANCE AND RETENTION**

**LANEY COLLEGE ATHLETIC COMPLEX  
GILBANE BUILDING COMPANY**

WHEREAS, Gilbane Building Company, a corporation existing under and by virtue of the laws of the State of California, 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 Laney College Athletic Complex, 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 NINETY-TWO THOUSAND FOUR HUNDRED EIGHTY-SIX AND 87/100 DOLLARS (\$92,486.87), which is five percent (5%) of said contract price, as modified by Change Orders No. 1, 2 and 3, 4 and 5, 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 23rd day of October, 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

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: Laney College Athletic Fields Complex

PROJECT NUMBER: 2338

PROJECT ADDRESS: 900 Fallen Street, Oakland, CA, 94607

CONTRACTOR: Gilbane Building Company Inc.

CONTRACTOR'S ADDRESS: 1798 Technology Drive, Suite 120, San Jose, CA 945110

DSA APPLICATION NUMBER: 01-110972

CONTRACT START DATE: August 9, 2010

ORIGINAL CONTRACT TIME: 168 Calendar Days

CONTRACT TIME EXTENSIONS: 137 days

APPROVED VIA CHANGE ORDER: 137calendar days

CONTRACT COMPLETION DATE: August 31, 2012

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

10-16-2012

(Signature of Affiant)

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

10-16-2012

(Signature of Affiant)

Date

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