

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

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: 10-19-12
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: 10-19-12 -

General Counsel

CHANCELLOR'S OFFICE APPROVAL

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

Signature: José M. Ortiz Date: 10-16-12
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