

PERALTA COMMUNITY COLLEGE DISTRICT
Board of Trustees Agenda Report
For the Trustee Meeting Date of May 14, 2013

ITEM TITLE:

Consider Approval of Resolution No. 12/13-30, Acceptance of Completed Work and Release of Retention for the Laney College Awning Project (Bid No. 12-13/10), Bay Construction Company

SPECIFIC BOARD ACTION REQUESTED:

Approval is requested for Resolution No. 12/13-30 for completed work and release of retention for the Laney College Awning Project (Bid No. 12-13/08), Bay Construction Company

ITEM SUMMARY:

Mark Lee and Yong Kay are owners of Bay Construction Company and the business has a current and active contractor's license with California Department of Consumer Affairs – Contractors State License Board. On January 22, 2013, the Board of Trustees approved Bid No. 12-13/08, awarding a contract to Bay Construction Company for the Laney College Awning Project, in the not-to-exceed amount of \$59,900. The final completion date was on April 13, 2013 for the entire project. A Notice of Completion (NOC) has been filed with the County of Alameda, and project acceptance is recommended. This resolution accepts the project as complete and provides a retention payment of \$2,995, which is 5% of the contract price. There was only one (1) change order on this project in the amount of \$3,553.16. This awning project provided protection to students during inclement weather while waiting outside the building to receive financial aid services. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends *ratification*.

SOURCE OF FUNDS (AND FISCAL/BUDGETARY IMPACT):

Measure A, approved by the voters in Peralta's constituency and authorized under in Resolution 05/06-45, Exhibit A-1, District-Wide, support services for the "acquisition, construction, repair, refurbishment, equipping, upgrading, and modernization of classrooms, campuses, buildings, facilities, and grounds throughout the District."

BACKGROUND/ANALYSIS:

Bay Construction Company installed new canvas awnings in one courtyard of the Laney Building 'A' complex. For this project, the project manager(s) conducted a mandatory pre-bid job walk with three (3) well respected companies: TC Awning Construction Inc., Bay Construction Company, and Artisan Awning. Artisan Awning provided a bid as subcontractor under Bay Construction Co. The apparent lowest bid was submitted by TC Awning Inc., in the amount of \$52,000. However, it was determined that the bid was non-responsive, because TC Awning failed to provide the information required by the bid documents. Therefore, the lowest responsible and responsive bid was submitted by Bay Construction Co., in the amount of \$59,900. Under the Chancellor Authorization to Sign (Resolution 99/00-5), the Chancellor approved for the District to enter into a contract with Bay Construction Company so that the work can commence during the Board recess period. The Chancellor's approval allowed the project mobilization to happen more quickly and ensure project completion in an expedient timeframe.

DELIVERABLES AND SCOPE OF WORK:

For deliverables, Bay Construction Company and their sub-consultant fabricated and installed canvas awnings per contract documents developed by WLC architectural firm.

ANTICIPATED COMPLETION DATE:

The project was completed by April 13, 2013.

ALTERNATIVES/OPTIONS:

Not Applicable

EVALUATION AND RECOMMENDED ACTION:

The administration recommends approval by the Board of Trustees because this project has been completed by the Bay Construction Company.

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 Ikharo

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

DOCUMENT PREPARED BY:

Prepared by: Dr. Sadiq B. Ikharo Date: May 8, 2013
Vice Chancellor of General Services

DOCUMENT PRESENTED AND APPROVED BY:

Presented and approved by: Dr. Sadiq B. Ikharo Date: May 8, 2013
Vice Chancellor of General Services

FINANCE DEPARTMENT REVIEW

X 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: _____
Ron Gerhard, Vice Chancellor for Finance and Administration

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: _____
Thuy Thi Nguyen, General Counsel

CHANCELLOR'S OFFICE APPROVAL

____ Approved, and Place on Agenda
Agenda

____ Not Approved, but Place on

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

**PERALTA COMMUNITY COLLEGE DISTRICT
RESOLUTION 12/13-30 ACCEPTANCE AND RETENTION**

**LANEY COLLEGE AWNING PROJECT
Bay Construction Co.**

WHEREAS, **Bay Construction Co.**, 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 Laney College Awning Project, has made application for acceptance of the work; and

WHEREA, 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 TWO THOUSAND NINE HUNDRED NINETY FIVE AND 00/100 DOLLARS (\$2,995), which is 5 percent (5%) 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 14th day of May, 2013. 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 AWNING PROJECT
PROJECT NUMBER:	2314
PROJECT ADDRESS:	900 FALLON STREET, OAKLAND, CA 94606
CONTRACTOR:	BAY CONSTRUCTION COMPANY
CONTRACTOR'S ADDRESS:	4026 MLK JR. WAY, OAKLAND, CA
DSA APPLICATION NUMBER:	NA
CONTRACT START DATE:	1/23/13
ORIGINAL CONTRACT TIME:	90 Days
CONTRACT TIME EXTENSIONS:	NA
APPROVED VIA CHANGE ORDER:	1
CONTRACT COMPLETION DATE:	APRIL13, 2013

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.

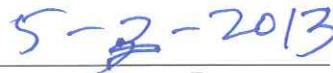
State of California
County of Alameda

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.



(Signature of Affiant)

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



Date

I declare under penalty of perjury that the foregoing is true to the best of my knowledge.



(Signature of Affiant)

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



Date