

**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 1, 2013  
Vice Chancellor of General Services

**DOCUMENT PRESENTED AND APPROVED BY:**

Presented and approved by: Dr. Sadiq B. Ikharo Date: May 1, 2013  
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: 5-10-13  
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: 5-10-13  
Thuy Thi Nguyen, General Counsel

**CHANCELLOR'S OFFICE APPROVAL**

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

Signature: José M. Ortiz Date: 5-10-13  
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.

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