

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

ITEM TITLE:

Consider Approval for Reduction of Retention to Dan Electric's Contract for the Electrical Connection to Building 'L' and the Proposed Science and Allied Health Building Project at Merritt College from 10% to 5%.

SPECIFIC BOARD ACTION REQUESTED:

Approval is requested to reduce the retention in Dan Electric's contract for the Electrical Connection to Building 'L' and the Proposed Science and Allied Health Building Project Project at Merritt College from 10% to 5%.

ITEM SUMMARY:

Rayo Michovich is the owner of Dan Electric; the company has a current and active license with California Department of Consumer Affairs – Contractors State License Board. This project consists of the alteration of electrical infrastructure for service to the renovated Building 'L' (Library/Learning Resource Center) and the future Merritt College Science and Allied Health Building. Approval is requested to reduce the retention of Dan Electric's Contract for the Electrical Connection to Building 'L' Project from 10% to 5%. Dan Electric's original contract was approved by the Board of Trustees at the meeting of September 11, 2012, in the amount of \$1,000,000. The project had a construction timeline of 180 calendar days with the project completion date of April 19, 2013. The construction work has progressed to the point where the project is considered Substantially Complete as of April 30, 2013, as "punch list" items are being implemented.

Dan Electric has requested a reduction in retention from 10% to 5%. Per the Public Contract Code, this reduction in retention is allowable if substantial completion of a project is attained. This reduction of retention will be in line with the District's newly adopted retention amount of 5% for all future and current projects. The administration has recommended approval of the reduction to 5% to allow for release of 5% to Dan Electric's contract at the end of April 2013. The new State of California retention percentage is now 5% effective from January 1, 2013. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

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, Laney College, "Classroom and facilities repairs and grounds improvements," Merritt College, "Classroom and facilities repairs and grounds improvements," College of Alameda, "Remodeling and equipping classroom and campus facilities," and Berkeley City College, "Plumbing, electrical, mechanical system upgrades and improvements."

BACKGROUND/ANALYSIS:

Bid information for this project was published in newspapers of general circulation and ethnic publications reflecting the diversity of the market area. Bid information was sent to all Chambers of Commerce within

the market area to disseminate to their constituency, local plan rooms and associated contractor subscription services.

DELIVERABLES/SCOPE OF WORK:

The deliverable was the completion of construction work of the Merritt College Electrical Infrastructure Project. By the anticipated completion date, Dan Electric will have completed the following scope of work:

- Provided and installed underground conduit and cabling to provide electrical power to Building 'L'
- Provided and installed conduit pathways and pullboxes for future service to the upcoming Merritt College Science and Allied Health Building
- Provided and installed manholes and switches for medium voltage distribution
- Provided and installed Unit Substation E for electrical service to Building 'L', including support structure, security/sight wall with access and lighting, high voltage section, transformer and low voltage distribution section
- Provided an underground electrical and telecommunications survey to include underground locator services that will document existing active electrical and telecom services and distribution within the areas of work and as shown on the contract drawings.
- Provided marked-up site plan to engineer showing locations of all electrical and telecom duct banks in designated area and identifying service of each duct bank (electrical or telecom)
- Completed extensive trenching and earthwork for the installation of duct banks, manholes, foundations and equipment pads. Site conditions are considered extremely rocky, and trenching/digging operations were considered and priced accordingly.

ANTICIPATED COMPLETION DATE:

The anticipated completion date of this project is May 15, 2013.

ALTERNATIVES/OPTIONS:

Not Applicable

EVALUATION AND RECOMMENDED ACTION:

Approval is requested to reduce the retention in Dan Electric's contract for the Merritt College Electrical Infrastructure Project from 10% to 5%.

OTHER DEPARTMENTS IMPACTED BY THIS ACTION (E.G. INFORMATION TECHNOLOGY):

YES _____ NO X

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