

PERALTA COMMUNITY COLLEGE DISTRICT
Board of Trustees Agenda Report
For the Trustee Meeting Date of September 10, 2013

ITEM TITLE:

Consider Approval of Resolution No. 13/14-18 for Board Approved Construction Settlement Agreement with Mondo USA Inc.

SPECIFIC BOARD ACTION REQUESTED:

Approval is requested of Resolution No. 13/14-18 for the Board approved construction settlement agreement with Mondo USA Inc.

ITEM SUMMARY:

The settlement agreement with Mondo USA Inc. was approved by the Board of Trustees at the meeting of July 16, 2013. To abide by the District’s formal practice, assignment of a resolution number for a construction contract, the Administration requests for Board approval and adoptions of the following resolution numbers for the previously Board approved project.

Resolution No:	Project Names (Bid Nos.)	Contractors (Contract Amount)	BOT Approval Dates
13/14-18	Mitigation of the Deteriorated District-wide Tracks at Laney College, College of Alameda and Merritt College	Mondo USA Inc. (\$1,400,000)	July 16, 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 projects, as approved by 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,” “Remodeling of classroom space,” “Science Lab upgrades,” and “Equipment, technology upgrades, and facility and classroom improvements for the college’s following programs and proposed programs: American Sign Language, Biotechnology, Business, Computer Information Systems, Disaster Preparedness, Fine and Applied Arts, Global Studies, International Trade, Multimedia Arts, Social Services Paraprofessional, Travel and Tourism Industry, Foundations (Basic Skills), Network Administration, Teacher Preparedness, International Studies, and High School Honor’s Courses (Advanced Placement).”

BACKGROUND/ANALYSIS:

A resolution number needs to be assigned for this project which was approved by the Board of Trustees on July 16, 2013.

DELIVERABLES AND SCOPE OF WORK:

Not Applicable

ANTICIPATED COMPLETION DATE:

Not Applicable

ALTERNATIVES/OPTIONS:

Not Applicable

EVALUATION AND RECOMMENDED ACTION:

The Administration recommends Board approval of Resolution Nos. 13/14-8 for the Mitigation of the Deteriorated District-wide Tracks at Laney College, College of Alameda and Merritt College

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

YES _____ NO X

COMMENTS:

No applicable 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
Vice Chancellor of General Services

DOCUMENT PRESENTED AND APPROVED BY:

Presented and approved by: Dr. Sadiq B. Ikharo
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
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
Thuy Thi Nguyen, General Counsel

CHANCELLOR'S OFFICE APPROVAL

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

Signature: José M. Ortiz
Dr. José M. Ortiz, Chancellor

**PERALTA COMMUNITY COLLEGE DISTRICT
RESOLUTION No. 13/14-8**

**ACCEPT AWARD CONTRACT
MITIGATION OF THE DETERIORATED DISTRICT-WIDE TRACKS
AT
LANEY COLLEGE, COLLEGE OF ALAMEDA
AND MERRITT COLLEGE**

**SETTLEMENT AGREEMENT AND MUTUAL GENERAL RELEASE
WITH
MONDO USA INC.**

WHEREAS, this Board has heretofore entered into a Settlement Agreement and Mutual General Release and Construction Agreement to secure all labor, material, equipment, mechanical workmanship, transportation and services for the Mitigation of the Deteriorated District-Wide Tracks; and

WHEREAS, public bidding was solicited as this project is a rework to mitigate tracks that have deteriorated.

WHEREAS, this Board does hereby accept the contractual award of Mondo USA Inc.; and

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby accept the negotiated contract of Mondo USA Inc. doing business as Mondo Rubber Flooring, Inc., 10056 Turkey Trot Place, Grass Valley, California 95949, for Total Contract in the amount of ONE MILLION FOUR HUNDRED THOUSAND AND NO/100 DOLLARS (\$1,400,000.00); and

BE IT FURTHER RESOLVED that the Secretary of this Board is hereby authorized and directed to enter into a contract in accordance with law with said Mondo USA Inc. for the Mitigation of the Deteriorated District-Wide Tracks at Laney College, College of Alameda and Merritt College (Settlement Agreement and Mutual General Release), and the acceptance of said contract together with the payment bonds attached thereto.

PASSED AND ADOPTED this 16th of July, 2013. The full Board has voted in support of this resolution, unless the Board meeting minutes reflect otherwise.

José M. Ortiz
Chancellor and Secretary
Board of Trustees
Peralta Community College District