

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

ITEM TITLE:

Consider Approval of Resolution No. 13/14-31, Acceptance of Completed Work and Release of Retention for the Berkeley City College Build-out Phase 3 Project (Bid No. 11-12/19), E. F. Brett & Company Inc.

SPECIFIC BOARD ACTION REQUESTED:

Approval is requested for Resolution No. 13/14-31 for completed work and release of retention for the Berkeley City College Build-out Phase 3 Project (Bid No. 11-12/19), E. F. Brett & Company Inc.

ITEM SUMMARY:

Approval is requested to accept Resolution No. 13/14-31 for the Berkeley City College Build-out Phase 3 Project as complete and approve the release of retention. The Governing Board of Trustees approved a contract award (Bid No. 11-12/19) to E.F. Brett & Company, Inc. for the Berkeley City College Build-Out Phase 3 Project at the July 17, 2012 meeting, in the amount of \$2,377,704. A notice to proceed (NTP) was issued with a start date of September 3, 2012 with the project duration of 334 calendar days. The final completion date was on August 31, 2013 for the entire project, as the contractor completed work ahead of schedule. A Notice of Completion (NOC) was filed with the County of Alameda, and project acceptance is recommended. This resolution accepts the project as complete and staff is requesting final acceptance of the project and release of the remaining 4.94% retention, in the amount of \$117,526.75. There was one deductive (1) change order in the amount of (\$27,169) implemented with an increase of thirty calendar days to August 31, 2013, which was approved by the Board of Trustees on October 8, 2013. An approval by the Board of Trustees is recommended to authorize the release of retention amount.

James M. Mazet is the President of E.F. Brett & Company, Inc. The Company has a current and active license with California Department of Consumer Affairs – Contractors State License Board. Approval to accept this project as complete and release of retention are recommended by the Chancellor.

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:

This project provides for the build-out of existing unimproved spaces into art studios on the 4th floor and improvements/alterations to labs, classrooms and offices on the 1st, 2nd, 3rd and 5th floors at Berkeley City College. A formal bid was conducted for this project (Bid No. 11-12/19); a bid opening was held on June 13, 2012. A total of five bids were received. Staff conducted a post-bid evaluation and interviews and it was found that the lowest apparent bid submitted by Cal Pacific Construction was non-responsive

because certified audiovisual and controls subcontractors were not listed in the bid, as required by Public Contract Code 4104. At the July 17th Board of Trustees meeting, the contract was awarded to the next lowest bidder, E.F. Brett & Company, Inc., in the amount of \$2,377,704.

The work was completed August 31, 2013 and all subsequent paperwork has been reviewed and received by the Architect for approval and delivered to the District. The College President and Business Manager have signed the Project Final Acceptance and staff is recommending final acceptance of the project and release of the remaining 4.94% retention in the amount of \$117,526.75.

ANTICIPATED COMPLETION DATE:

The anticipated completion date was on May 15, 2013.

ALTERNATIVES/OPTIONS:

Not applicable

EVALUATION AND RECOMMENDED ACTION:

Approval is requested for final acceptance of the project and release of the remaining 5% retention in the amount of \$117,526.75.

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

YES _____ No X

COMMENTS

None

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*

**PERALTA COMMUNITY COLLEGE DISTRICT
RESOLUTION 13/14-31 ACCEPTANCE AND RETENTION**

**BERKELEY CITY COLLEGE BUILD-OUT
PHASE 3 PROJECT
E.F. Brett & Company, Inc.**

WHEREAS, E.F. Brett & Company, Inc., 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 Berkeley City College Build-Out Phase 3 Project, 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 ONE HUNDRED EIGHTEEN THOUSAND EIGHT HUNDRED EIGHTY FIVE AND 20/100 DOLLARS (\$117,526.75), which is 4.94 percent (4.94%) of said contract price, shall be made thirty-five (35) 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 10th day of December, 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