

**PERALTA COMMUNITY COLLEGE DISTRICT**  
**Board of Trustees Agenda Report**  
**For the Trustee Meeting Date of March 24, 2015**

**ITEM TITLE:**

Consider Approval of Resolution No. 14/15-33, Acceptance of Completed Work and Release of Retention for Merritt College Learning Resource Center / Library Renovation Phase 2 Project (Bid No. 12-13/23), Bay Construction Company.

**SPECIFIC BOARD ACTION REQUESTED:**

Approval is requested for Resolution No. 14/15-33 for completed work and release of retention for the Merritt College Learning Resource Center / Library Renovation Phase 2 Project (Bid No. 12-13/23), 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 July 16, 2013, the Board of Trustees approved Bid No. 12-13/23, awarding a contract to Bay Construction Company for the Merritt College Learning Resource Center / Library Renovation Phase 2 Project, in the not-to-exceed amount of \$195,000. 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 \$9,750, which is 5% of the contract price. There were no change orders on this project. Merritt College has moved into this building and has taken beneficial occupancy as the project is now complete.

The Chancellor recommends approval.

**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:**

The Merritt College Learning Center / Library Renovation – Phase 2 was one part of the overall construction improvements for the Merritt Library and Learning Resource Center. Under this contract, Bay Construction Company performed all work per the contract documents prepared by NBBJ Architects.

**DELIVERABLES AND SCOPE OF WORK:**

For deliverables, Bay Construction Company provided goods under this contract and performed construction work per NBBJ's Architect's specifications and installed architectural components. Bay Construction Company completed minor renovations to the existing 3-story Learning Resource Center and Library Building. The project incorporated the cleaning and encapsulation of existing interior lined mechanical ducts, sealant repair on existing storefront windows, installation of new security barriers and detection gates, some new nonstructural, non-rated partitions and doors for security, and minor electrical / lighting work. In addition, there was refinishing work of existing cabinetry, installation of some classroom accessories, painting of walls, and other minor cosmetic work.

**ANTICIPATED COMPLETION DATE:**

The project was completed by January 15, 2015.

**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

PERALTA COMMUNITY COLLEGE DISTRICT  
RESOLUTION 14/15-33 ACCEPTANCE AND  
RETENTION

**Merritt College Learning Resource Center / Library Renovation  
Phase 2 Project (Bid No. 12-13/23)  
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

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 NINE THOUSAND SEVEN HUNDRED FIFTY AND 00/100 DOLLARS (\$9,750), 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 24th day of March, 2015. 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