

PERALTA COMMUNITY COLLEGE DISTRICT
Board of Trustees Agenda Report
For the Trustee Meeting Date of February 23, 2016

ITEM TITLE:

Consider Approval of Resolution No. 15/16-30, Acceptance of Completed Work and Release 5% Retention for the Merritt College Barbara Lee Science & Allied Health Center Project (RFP No. 11-12/01), Clark & Sullivan / Walsh Construction.

SPECIFIC BOARD ACTION REQUESTED:

Approval is requested for Resolution No. 15/16-30 for the acceptance of completed work and release 5% retention for the Merritt College Barbara Lee Science & Allied Health Center Project (RFP No. 11-12/01), Clark & Sullivan / Walsh Construction.

ITEM SUMMARY:

The Governing Board of Trustees approved a contract award to Clark & Sullivan / Walsh Construction for this project at the June 12, 2012 meeting, in the amount of \$42,760,000. The project attained Final Completion on September 30, 2015. The District has filed a Notice of Completion (NOC) 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 5% retention, in the amount of \$2,191,894. There were three (3) change orders on the project for a total of \$1,077,833 or 2.5% of the original contract amount. The College President and Business Manager have approved the Project Final Acceptance, after the punch list items were completed.

A notice to proceed (NTP) was issued with a start date of October 15, 2012 with the project duration of 1085 calendar days to Final Completion. Approval to accept this project as complete and release of retention is 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:

In June 2011, the District solicited a formal Request for Proposals (RFP 11-12/01) inviting pre-qualified design-build teams to submit bid proposals to design and construct the Merritt College New Science and Allied Health Building based on bridging documents developed by FLAD and WLC Architects. The District received (13) pre-qualification questionnaires from various vendors to provide design-build construction project delivery services. From those submittals received, seven (7) design-build teams successfully pre-qualified and five (5) actually submitted proposals. The proposals were reviewed by a selection committee comprised of representatives from the Department of General Services and Merritt College administrative leadership.

The selection committee also conducted interviews with the five proposed design-build teams. All design-build teams were given the same interview questions. Interview scoring was based on the evaluation factors and weighted scores included in the RFP. Based on the proposals and oral interviews, the committee recommended Turner Construction Company. It was also recommended and approved by the Peralta Board of Trustees that if the District and Turner Construction Company were unable to arrive at a design-build agreement acceptable to both parties, the Chancellor was authorized to negotiate a contract with second highest scoring firm, Clark & Sullivan/Walsh Construction.

After several months of extensive negotiations, the District determined that an acceptable agreement could not be reached, and contract negotiations with Turner Construction Company were concluded. In accordance with the Board approved process, contract negotiations were subsequently initiated with Clark & Sullivan/Walsh Construction.

All paperwork has been reviewed and received by the District's construction management consultant, KITCHELL CEM, for approval and delivered to the District.

ANTICIPATED COMPLETION DATE:

The project reached Final Completion on September 30, 2015.

ALTERNATIVES/OPTIONS:

Not applicable

EVALUATION AND RECOMMENDED ACTION:

The administrator recommends the final acceptance of the project and release of the remaining 5% retention to the contractor.

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

Date: February 5, 2016

DOCUMENT PRESENTED AND APPROVED BY:

Presented and approved by: Dr. Sadiq B. Ikharo
Vice Chancellor of General Services

Date: February 5, 2016

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 Little II*
Ronald Little II , 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: *Nitasha Sawhney*
Nitasha Sawhney, Acting General Counsel

CHANCELLOR'S OFFICE APPROVAL

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

Signature: *Jowel C. Laguerre*
Dr. Jowel C. Laguerre, Chancellor

RESOLUTION 15/16-30 ACCEPTANCE AND RETENTION

MERRITT COLLEGE BARBARA LEE SCIENCE & ALLIED HEALTH
CENTER PROJECT (RFP NO. 11-12/01)

CLARK & SULLIVAN / WALSH CONSTRUCTION

. This resolution accepts the project as complete and staff is requesting final acceptance of the project and release of the remaining 5% retention, in the amount of **\$2,191,894**. There were three (3) change orders on the project for a total of \$1,077,833 or 2.5% of the original contract amount.

WHEREAS, Clark & Sullivan / Walsh Construction, 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 Merritt College Barbara Lee Science & Allied Health Center Project (RFP No. 11-12/01), 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 TWO MILLION ONE HUNDRED NINETY ONE EIGHT HUNDRED NINETY FOUR AND 00/100 DOLLARS (\$2,191,894.00), 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 23rd day of February, 2016. The full Board has voted in support of this resolution, unless the Board meeting minutes reflect otherwise.

Jowel C. Laguerre
Chancellor and Secretary
Board of Trustees
Peralta Community College District