

PERALTA COMMUNITY COLLEGE DISTRICT
Board of Trustees Agenda Report
For the Trustee Meeting Date of September 13, 2016

ITEM TITLE:

Resolution No. 16/17-08, Acceptance of Completed Work and Release of 5% Retention for the Merritt College Landscape Project (Bid No. 14-15/43), Bay Construction.

SPECIFIC BOARD ACTION REQUESTED:

Consider approval of acceptance of completed work and release of 5% Retention for the Merritt College Landscape Project (Bid No. 14-15/43), Bay Construction.

ITEM SUMMARY:

The Governing Board of Trustees ratified a contract award (Bid No. 14-15/43) to Bay Construction at the September 8, 2015 meeting in the amount of \$604,000. 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 **\$30,250.00**. There were no change orders on this project. The College President and Business Manager have signed the Project Final Acceptance. Approval to accept this project as complete and release of retention is recommended by the Chancellor.

SOURCE OF FUNDS (AND FISCAL/BUDGETARY IMPACT):

Fund 63- Measure A.

BACKGROUND/ANALYSIS:

The contractor completed all work described in the Contract Documents and Construction Documents prepared by David Gates Associates. The work consisted of, new planting material, irrigation, site furnishing, accessories and concrete work, as described in the Construction Documents

ANTICIPATED COMPLETION DATE:

A Notice of Completion was filed with the County of Alameda on July 21, 2016.

ALTERNATIVES/OPTIONS:

Not Applicable

EVALUATION AND RECOMMENDED ACTION:

The administration 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:

Not Applicable

WHO WILL BE PRESENTING THIS ITEM AT THE BOARD MEETING? Vice Chancellor Little

(*****Board contract approval is subject to negotiation and execution by the Chancellor.)

DOCUMENT PREPARED BY:

Prepared by: Ron Little Date: 08/31/16
Ronald D. Little II, Vice Chancellor for Finance and Administration

DOCUMENT PRESENTED AND APPROVED BY:

Presented and approved by: Ron Little Date: 08/31/16
Ronald D. Little II, Vice Chancellor for Finance and Administration

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: Ron Little
Ronald D. 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: _____
Ericka Curls-Bartling, 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

**PERALTA COMMUNITY COLLEGE DISTRICT
RESOLUTION # 16/17-08
ACCEPTANCE OF COMPLETION & PAYMENT OF RETENTION**

**Merritt College Landscape Project (Bid No. 14-15/43)
Bay Construction Company**

WHEREAS, Bay Construction Company, 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 Landscape Project (Bid No. 14-15/43), Bay Construction Company 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 **THIRTY THOUSAND TWO HUNDRED & FIFTY AND 00/100 DOLLARS (\$30,250.00)**, which is 5 percent (5%) of said contract price (\$604,000), 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 13th day of September, 2016. The full Board has voted in support of this resolution, unless the Board meeting minutes reflect otherwise.

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