

CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

June 26, 2012

Agenda Item: 6.3

Subject: Adoption of Resolution No. 13-1112— Authorizing the Election to Increase Retention, in accordance with Public Contract Code Section 7201

Background: On October 9, 2011, Senate Bill (“SB”) 293 was signed into law restricting retention amounts in public construction contracts from exceeding five percent (5%) of the total contract price. This new law is found in Public Contract Code section 7201 and applies to all contracts entered into on or after January 1, 2012 and shall remain in effect until January 1, 2016.

Unless the awarding authority makes a finding in accordance with PCC 7201(b)(4) that retention proceeds on a project may exceed 5% on specific projects where, before putting a project out to bid, (1) the Board of Trustees approves a finding that the proposed project is “substantially complex” and requires a retention amount greater than 5%; and (2) the district includes both the finding and the designated retention amount set by the Board of Trustees in the bid documents put out by the district.

It is requested that the Board of Trustees makes a finding that the project known as Math-Science Modernization, Building 1700 at Chabot College is substantially complex and requires a retention in the amount of 10% of the total contract price.

Recommended Action: That the Board of Trustees adopts the proposed Resolution No. 13-1112— Authorizing the Election to Increase Retention, in accordance with Public Contract Code Section 7201.

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Submitted: Jeffrey M. Kingston/Date

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Approved: Susan A. Cota/Date

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