

CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

December 6, 2016

Agenda Item: 6.2

Subject: Adoption of Resolution No. 06-1617— Authorizing the Election to Increase Retention for the Arcade Voluntary Seismic Upgrade Project at Chabot College, 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. On September 27, 2014, Assembly Bill (“AB”) 1705 amends sections 7201 and 10261 of the Public Contract Code to extend existing law until January 1, 2018.

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 the finding, the designated retention amount set by the Board of Trustees, and the description of the uniqueness of the project 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 Arcade Voluntary Seismic Upgrade, Building 100 at Chabot College is substantially complex and requires retention in the amount of 10% of the total contract price due to the substantial complexity of constructing a multi-phase seismic strengthening project on an occupied campus.

Recommended Action: That the Board of Trustees adopts the proposed Resolution No. 06-1617— Authorizing the Election to Increase Retention for the Arcade Voluntary Seismic Upgrade Project at Chabot College, in accordance with Public Contract Code Section 7201.

Submitted: Doug Horner/Date

Approved: Jannett Jackson/Date

_____ APPROVED

_____ DISAPPROVED

_____ TABLED