

OHLONE COMMUNITY COLLEGE DISTRICT

MEMORANDUM

TO: Board of Trustees

FROM: Gari Browning

DATE: June 10, 2009

SUBJECT: Notice of Completion Contract No. 265-0207-001, Student Services Building

On February 28, 2007, the Board approved a contract with S.J. Amoroso Construction Co. for construction of the new Student Services Building at the Fremont campus. The work on this contract is now substantially complete. Civil Code Section 3093 requires public entities to file a Notice of Completion within 10 days of the completion and acceptance of the work. Final payment of retentions, if unencumbered, will be released to the contractor within 60 days of the recordation of the Notice of Completion.

It is anticipated that there will be "punch list" items to complete; so there will continue to be activity on the site, especially in landscaping. Remaining change orders will continue to be negotiated and processed even after this action. However, acceptance of the work by the Board is required before any portion of the building or grounds can be released to the District. Affirmative action will result in the District's taking ownership of the building plus the District's assumption for liabilities and losses. This is required for two reasons. First, the District needs access to complete certain improvements such as networking equipment, phones, alarms, furniture installation, etc. Second, this allows the Student Services Department to move in and get set up in time for the fall registration process.

This action also sets a time limit of thirty days for any subcontractor to file a Stop Notice, per Civil Code Section 3184, and starts the clock on warranties.

Because the Board will not meet again prior to the anticipated date of Substantial Completion, this approval will be contingent upon the President/Superintendent, Director of Facilities, Bond Manager, and Inspector of Record agreeing that the work is finished per the contract documents and the equivalent of a certificate of occupancy is able to be issued.

RECOMMENDATION

The President/Superintendent recommends that the Board of Trustees, on or about June 15, 2009, accepts as complete the work contracted for under contract no. 265-0207-001, as evidenced by and subject to a valid DSA Form 6 being issued by the Inspector of Record and accepted by the President/Superintendent of the District. It is further recommended that the Board authorize the District's Director of Purchasing and Contracts, at such time, to file a Notice of Completion with the County Recorder.