

CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

January 19, 2010

Agenda Item: 6.1

Subject: Approval of Settlement Agreement and Release of Claims between Chabot-Las Positas Community College District and Robert A. Bothman, Inc. for the Maintenance and Operations Facility Project, Chabot College and for the Aquatics Center and Soccer Field Project, Las Positas College (Measure B Bond Funds)

Background: Robert A. Bothman, Inc. submitted a claim on the Maintenance and Operations Facility Project at Chabot and on the Aquatics Center and Soccer Field Project at Las Positas College for extended overhead and schedule delays primarily due to weather impacts.

In an effort to avoid costly and lengthy litigation by all parties involved, the District entered into proactive negotiations with Robert A. Bothman, Inc. to resolve all claims in a fair, equitable and timely manner to mitigate any potential damages to the District.

District legal council, Fagen Friedman and Fulfrost, LLP, has structured a binding legal Settlement Agreement to finalize the negotiations and the District to release payment to Robert A. Bothman, Inc.

Recommended Action: That the Board of Trustees approve the Settlement Agreement and Release of Claims between Chabot-Las Positas Community College District and Robert A. Bothman, Inc., and authorize payment for the Maintenance and Operations Facility Project, Chabot College for the total amount of \$52,210 and for the Aquatics Center and Soccer Field Project, Las Positas College for the total amount of \$177, 790 as final settlement in accordance with the provisions of this Settlement Agreement. It is further recommended that the Board authorize the Vice Chancellor, Business Services, to execute the agreement on behalf of the District.

Funding Source: Measure B Bond Funds

Submitted: Jeffrey M. Kingston/Date

Approved: Joel L. Kinnamon/Date

_____ APPROVED

_____ DISAPPROVED

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