

**Board of Trustees Agenda Report
For the Trustee Meeting Date of December 9, 2008**

ITEM TITLE:

Ratification of Change Order No. 5, Beginner's Inn Culinary Kitchen at Laney College, NBC General Contractors Corporation

SPECIFIC BOARD ACTION REQUESTED:

Ratification is requested for Change Order No. 5 to the contract with NBC General Contractors Corporation for the Beginner's Inn Culinary Kitchen project at Laney College, in the amount of \$926,747.

ITEM SUMMARY:

On September 18, 2007, this Board awarded a contract to NBC General Contractors Corporation for the Beginner's Inn Culinary Kitchen at Laney College. The Beginner's Inn Culinary Kitchen is substantially complete. Ratification is now requested for Change Order No. 5 to the contract with NBC General Contractors Corporation, in the amount of \$926,747. Including previous Board approved change orders, the cumulative amount is \$1,337,987, which is 23.6% of the original contract amount (\$5,680,000).

Of this change order total, \$798,577 is the cost of the new Dining Room. The Board approved negotiation of a change order to the Beginner's Inn Culinary Kitchen contract with NBC for the new Dining Room at the Board meeting of July 15, 2008. At that meeting, the Board was informed that total change orders to the project would exceed 10%. It was explained that completing the dining room as a change order to the contract with NBC for the culinary kitchen would be beneficial to the District in terms of time savings of approximately two months and cost savings of about \$100,000 (costs associated with conducting a new bid, additional architectural fees, mobilization of a new contractor, two additional months of project management, and other ancillary costs.)

At the Board meeting of October 14, 2008, after the change order amount had been negotiated with NBC, the Board approved an augmentation of the Beginner's Inn Culinary Kitchen budget to provide funding in the amount of \$798,577 for the addition of the dining room. The change for the Dining Room, in the amount of \$798,577, is an owner requested change that was recommended so that the work can be completed more quickly, allowing the Culinary Kitchen and Dining Room facilities to be opened at the same time. The addition of this work as a change order to the NBC contract for the Culinary Kitchen also provided a cost savings.

If the change order item for the Dining Room is subtracted from the project change order total, the remainder is \$539,410, which is 9.5% of the original contract price. These change orders are associated with the Culinary Kitchen work, and at the time of completion of the Culinary Kitchen, all change order work is below 10%. Further description of the change order items is included in Board backup materials. The change orders for the Culinary Kitchen are primarily due to two reasons:

- The complexity of the project, in the sense of the high mechanical and equipment needs of a culinary academy, which are different from a regular renovation project. The work complexity increases the potential for changes and for encountering unforeseen conditions.
- In a modernization project of this type, existing hidden conditions may be found behind a wall or above a ceiling, requiring a change in scope due to unforeseen conditions.

Regarding changes listed as Architect Initiated/Design Error, at the end of the project this will be addressed and negotiated between the District and the project architect.

BACKGROUND/ANALYSIS:

The changes have been reviewed and approved by the project architect, WLC Architects, the project manager, Bovis Lend Lease, and the General Services Department. It was necessary for the contractor to perform this work so that the schedule would not be delayed and the sequencing of the work would not be affected. Approval was requested from the Chancellor for the change order work, and Change Order No. 5 is now brought before the Board for ratification. The change order items are further described in the attachment.

ALTERNATIVES/OPTIONS:

Not applicable.

EVALUATION AND RECOMMENDED ACTION:

Ratification is recommended for Change Order No. 5 to the contract with NBC General Contractors Corporation for the Beginner's Inn Culinary Kitchen project at Laney College, in the amount of \$926,747.

SOURCE OF FUNDS (AND FISCAL/BUDGETARY IMPACT):

Measure A, as approved by the voters in Peralta's constituency and authorized under Resolution 05/06-45, Exhibit A-1, Laney College "Equipment, technology upgrades, and facility and classroom improvements for the college's following programs: Biology, Business, Chemistry, CIS, Culinary Arts, Dance, Environmental Control Technology, Foreign Languages, Geography, Math, Theater Arts, and Welding."

OTHER DEPARTMENTS IMPACTED BY THIS ACTION (E.G. INFORMATION TECHNOLOGY):

YES _____ NO X

COMMENTS:

No additional comments.

WHO WILL BE PRESENTING THIS ITEM AT THE BOARD MEETING?

Vice Chancellor Ikhara

DID A BOARD STANDING COMMITTEE APPROVE THE ITEM? YES _____ NO X

IF "YES", PLEASE INCLUDE THAT INFORMATION IN YOUR SUMMARY.

PLEASE ACQUIRE SIGNATURES IN THIS ORDER:

DOCUMENT PREPARED BY:
Prepared by: Sadiq B. Ikharmo Date: 12-02-08
Dr. Sadiq B. Ikharo
Vice Chancellor of General Services

DOCUMENT PRESENTED BY:
Sadiq B. Ikharmo Date: 12-02-08
Dr. Sadiq B. Ikharo
Vice Chancellor of General Services

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: Thomas Smith Date: 12.2.08
Thomas Smith
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: Thuy T. Nguyen Date: 12/3/08
Thuy T. Nguyen, General Counsel

CHANCELLOR'S OFFICE APPROVAL
 Approved, and Place on Agenda Not Approved, but Place on Agenda
Signature: Elihu Harris Date: 12/4/08
Elihu Harris, Chancellor

PERALTA COMMUNITY COLLEGE DISTRICT

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CHANGE ORDER NO. 5

PROJECT: BEGINNERS INN CULINARY KITCHEN

DATE: 11/14/08

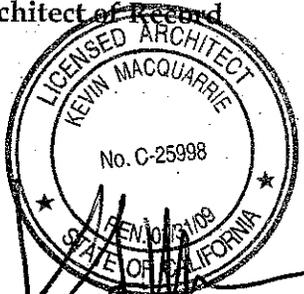
OWNER: Peralta Community College District
CONTRACTOR: NBC CONTRACTORS

DSA FILE NO.:
DSA APP NO.: 01-108426
PCCD PROJECT #:
PROJECT MANAGER: Jacqueline Almonacid.

The Contractor is authorized to make the changes listed in the Summary and described in Change Order Attachment when this Change Order has been approved.

Original Contract Sum.....\$5,680,000
 Net Change by previously authorized Change Orders.....\$ 411,240
 The Contract sum prior to this Change Order was..... \$6,091,240
 The Contract sum will be increased/decreased by this Change Order.....\$ 926,747
 The New Contract Sum including this Change Order will be..... \$7,017,987
 Cumulative Change Order(s) as a percentage of contract including this Change Order 9.75% for Culinary kitchen or 24.01 % with Dining room plus changes to Dining Room.
 The Contract is changed by (0) Days
 Contract completion date as of this Change Order therefore is:

Summary reference attached items P.C.O's. 44, 77, 81, 86 - 88, 90, 91, 94, 96 - 107, 109 - 115

<p>Approved: Architect of Record</p> <div style="text-align: center;">  </div> <p style="text-align: center;"><i>[Signature]</i></p> <p>Date: 11/20/08</p>	<p>Approved: General Contractor</p> <p style="text-align: center;"><i>[Signature]</i></p> <p>Date: 11/19/08</p>	<p>Approved: Peralta Community College District</p> <p style="text-align: center;"><i>[Signature]</i></p> <p style="text-align: center;">Director of Capital Projects</p> <p>Date: 10, Nov. 2008</p> <p style="text-align: center;"><i>[Signature]</i></p> <p style="text-align: center;">Vice Chancellor of General Services</p> <p>Date: 11/20/08</p>
<p>Approved: Electrical or Structural Engineer</p> <p>Date:</p>	<p>Approved: Mechanical Engineer</p> <p>Date:</p>	<p>Approved: Div. of the State Architect</p> <p>Date:</p>

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SUMMARY OF CHANGE ORDER No. 5 Attachment

PROJECT:

DATE: 11-14-08

OWNER: Peralta Community College District
CONTRACTOR: NBC CONTRACTORS INC.

DSA FILE NO.:

DSA APP NO.: 01-108426

PCCD FILE NO.:

44 PCO 44

ADD/DEDUCT \$ 19,219.00 ✓
ADD/DEDUCT 0 Days

Description: Fabricate 13 each new custom 8" tall range hood volume dampers in lieu of the specified 30" tall dampers.

Requested by: 4- F: Architect Initiated/Design Error Change

Reason: Due to lack of ceiling height, it is now necessary to change the hood dampers so that the code required height can be achieved. The existing grease duct need to be modified too. (CPE #109). (RFI #166).

DSA prelim.
approval date: Pending

68 PCO 68

ADD/DEDUCT PENDING
ADD/DEDUCT 0 Days

Description: To be part of Change Order #6

Requested by:

Reason: Rework Room 3261 Roof top penetration, add two hour fire rated wall at penthouse.

DSA prelim.
approval date: Pending

77 PCO 77

ADD/DEDUCT \$ 9,121.00 ✓
ADD/DEDUCT 0 Days

Description: Add framed soffit/walls above Bakery Room #118 @ MAU #37

Requested by: 4- F: Design Error-Architect Initiated Change

Reason: Accommodate frame down ceiling, reduce metal panel ceiling. (CPE #57r3). (RFI #104.3). (ASI 012).

DSA prelim.
approval date: Pending

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81 PCO 81

ADD/DEDUCT \$ 6,755.00 ✓

ADD/DEDUCT 0 Days

Description: 25 lf of roof equipment screen steel support framing changed to sidewall anchorage instead.

Requested by: 4- F: Architect Initiated Change

Reason: CREDIT for based bid configuration. ADD for changed configuration. Revised quote includes 9.2 lf mechanical screen material/labor eliminated. (CPE # 98r2). (RFI # 160).

DSA prelim.
approval date: Pending

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SUMMARY OF CHANGE ORDER No. 5 Attachment

PROJECT: **DATE:** 11-03-08
OWNER: Peralta Community College District **DSA FILE NO.:** 01-108426
CONTRACTOR: NBC CONTRACTORS INC. **DSA APP NO.:**
PCCD FILE NO.:

86	PCO 86	ADD/DEDUCT \$	676.00
		ADD/DEDUCT	0 Days

Description: Change Floor Tile in Bakery.
Requested by: 4- F: Architect Initiated Change
Reason: Per Architect's direction and ASI 007, the floor tile was changed from 'Cinder' to 'Sand' at Bakery Room #118. (CPE #68r). (ASI 007).
DSA prelim. approval date: Pending

87	PCO 87	ADD/DEDUCT \$	406.00
		ADD/DEDUCT	0 Days

Description: Change of Tile at Waiter Station in Dining Room
Requested by: 4- F: Architect Initiated Change
Reason: Tile changes at Waiter Station. Re-stocking fee based for base bid tile purchased and delivered to site. (CPE #167r). (ASI 042).
DSA prelim. approval date: Pending

88	PCO 88	ADD/DEDUCT \$	4,648.00
		ADD/DEDUCT	0 Days

Description: Overtime premium for weekend/after hours work.
Requested by: 2- F: Owner Initiated Change
Reason: On-going overtime weekend work not allowed during normal hours due to noise and disruption for April 5 and 6; May 3 and 10; August 17 of 2008. (CPE #154).
DSA prelim. approval date: Pending

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SUMMARY OF CHANGE ORDER No. 5 Attachment

PROJECT:

DATE: 11-03-08

OWNER: Peralta Community College District

DSA FILE NO.: 01-108426

CONTRACTOR: NBC CONTRACTORS INC.

DSA APP NO.:

PCCD FILE NO.:

90	PCO 90	ADD/DEDUCT \$	27,025.00
		ADD/DEDUCT	0 Days

Description: Existing structural rebar conflicts at new Equipment Screens.

Requested by: 2- F: Owner Initiated Change

Reason: Equipment screen anchor bolts-perform new hole drilling, grouting of improper holes, welding base plate extensions on installed supports, add new anchors and pull test and coordination of weld inspections. Finish steel support frame installation and leaving existing rebar as is. (CPE #164r). (RFI #93.5 and #93.6).

DSA prelim.
approval date: Pending

91	PCO 91	ADD/DEDUCT \$	VOID
		ADD/DEDUCT	0 Days

Description: Ardex Floors to receive additional 1/4" fill

Requested by:

Reason:

DSA prelim.
approval date: VOID

92	PCO 92	ADD/DEDUCT \$	PENDING
		ADD/DEDUCT	0 Days

Description: Part of Change Order #6.

Requested by: 4- F: Architect Initiated Change

Reason: Hood Covers added at Dish Wash Room, Bakery and Pastry Room. Stainless Steel Duct/Hood Covers added to conceal insulated ducted exhausts. (CPE #171). (RFI #228).

DSA prelim.
approval date: Pending

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SUMMARY OF CHANGE ORDER No. 5 Attachment

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DATE: 11-03-08

OWNER: Peralta Community College District

DSA FILE NO.: 01-108426

CONTRACTOR: NBC CONTRACTORS INC.

DSA APP NO.:

PCCD FILE NO.:

93	PCO 93	ADD/DEDUCT \$	PENDING
		ADD/DEDUCT	0 Days

Description: Part of Change Order #6.

Added Stainless Hood Flashings in Culinary Kitchen to conceal gap at ceiling.

Requested by: 4- F: Architect Initiated Change

Reason: 3" Stainless Steel Flashings added to conceal a gap at the ceiling hood elevation. All hoods in Kitchen to be the same height, as directed by the District. (The lowest hood height restricted by code-required 1/4" per foot grease duct slope requirement and a minimum of 8" damper height. (CPE #176). (RFI #166).

DSA prelim.
approval date: Pending

94	PCO 94	ADD/DEDUCT \$	(12,963.00)
		ADD/DEDUCT	0 Days

Description: Deletion of Projectors as per ASI 020

Requested by: 4- F: Architect Initiated Change

Reason: Deduction of cost due to projector and mount changes. (CPE #163). (ASI 040).

DSA prelim.
approval date: Pending

95	PCO 95	ADD/DEDUCT \$	PENDING
		ADD/DEDUCT	0 Days

Description: Part of Change Order #6.

Proofer Box Repairs by Owner.

Requested by: 2- F: Owner Initiated Change

Reason: Damaged Proofer needs to be repaired-No humidity tank on existing Proofer.

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SUMMARY OF CHANGE ORDER No. 5 Attachment

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OWNER: Peralta Community College District

DSA FILE NO.: 01-108426

CONTRACTOR: NBC CONTRACTORS INC.

DSA APP NO.:

PCCD FILE NO.:

96	PCO 96	ADD/DEDUCT \$	720.00
		ADD/DEDUCT	0 Days

Description: Install new Type 'C' light fixture at Penthouse.

Requested by: 4-F: Architect Initiated Change

Reason: Install new Type 'C' light fixture lamp, switch, circuit, conduit and conductor in added 2 hour rated enclosure at the Mechanical Penthouse. (CPE #178). (RFI #219.2).

DSA prelim.
approval date: Pending

97	PCO 97	ADD/DEDUCT \$	2,592.00
		ADD/DEDUCT	0 Days

Description: Assist Facilities with shut-down for week of 9/1/08.

Requested by: 2-F: Owner Initiated Request

Reason: Assist Facilities with system shut-down in order to clean filters and duct in the penthouse zone, for academic occupancy on second floor.

DSA prelim.
approval date: Pending

98	PCO 98	ADD/DEDUCT \$	1,900.00
		ADD/DEDUCT	0 Days

Description: New power distribution for Kitchen Equipment.

Requested by: 4-F: Architect Initiated Change

Reason: New power distribution for Kitchen Equipment. (CPE #184r2)
(RFI #243.1)

DSA prelim.
approval date: Pending

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OWNER: Peralta Community College District

DSA FILE NO.: 01-108426

CONTRACTOR: NBC CONTRACTORS INC.

DSA APP NO.:

PCCD FILE NO.:

99	PCO 99	ADD/DEDUCT \$	3,699.00
		ADD/DEDUCT	0 Days

Description: Add magnetic hold-open fire alarm devices.

Requested by: 4-F: Architect Initiated Change

Reason: Additional cost to add magnetic hold-open fire alarm devices and control function of Fire Smoke Doors-two locations with three each door holders.

(CPE #186). (RFI #251).

DSA prelim.
approval date: Pending

100	PCO 100	ADD/DEDUCT \$	798,577.00
		ADD/DEDUCT	0 Days

Description: Dining Room Change Order to the Culinary Kitchen.

Requested by: 2-F: Owner Initiated Request

Reason: Remodeling of Dining Room for a complete Culinary Kitchen school of instruction in place. This PCO is an attachment to the Notice to Proceed signed by Dr. Ikharo issued to NBC on 10/6/08. (CPE #174r2).

DSA prelim.
approval date: Pending

101	PCO 101	ADD/DEDUCT \$	1,634.00
		ADD/DEDUCT	0 Days

Description: Remove and tuck existing wiring not claimed by any entity working at Laney College.

Requested by: 2-F: Owner Initiated Change

Reason: Additional cost to test, nip, label and tuck all existing wires hanging down in halls 101 and 102A. NBC is not responsible for future disturbance to District after completion. (CPE #197).

DSA prelim.

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DATE: 11-03-08

OWNER: Peralta Community College District

DSA FILE NO.: 01-108426

CONTRACTOR: NBC CONTRACTORS INC.

DSA APP NO.:

PCCD FILE NO.:

102 PCO 102

ADD/DEDUCT \$ 1,104.00

ADD/DEDUCT 0 Days

Description: New electrical power distribution for door marks.

Requested by: 4- F: Architect Initiated Change

Reason: Additional electrical power distribution for door marks E100 & E120 requiring power operators. (CPE #188). (RFI #252).

**DSA prelim.
approval date:** Pending

103 PCO 103

ADD/DEDUCT \$ 1,167.00

ADD/DEDUCT 0 Days

Description: Add three (each) fused disconnect switches for kitchen equipment.

Requested by: 4- F: Architect Initiated Change

Reason: Additional fused disconnects witches for kitchen equipment #142 not shown, designed or specified on bid. (CPE #191). (RFI #258).

**DSA prelim.
approval date:** Pending

104 PCO 104

ADD/DEDUCT \$ 1,426.00

ADD/DEDUCT 0 Days

Description: Additional power supply for HVAC.

Requested by: 4- F: Architect Initiated Change.

Reason: Provide power supply for HVAC Control Panel. Not designed in base bid documents. (CPE #195). (RFI #264).

**DSA prelim.
approval date:** Pending

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SUMMARY OF CHANGE ORDER No. 5 Attachment

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CONTRACTOR: NBC CONTRACTORS INC.

DSA APP NO.:

PCCD FILE NO.:

105	PCO 105	ADD/DEDUCT \$	2,145.00
		ADD/DEDUCT	0 Days

Description: Coordination with manufacturer for Cold Storage Freezers.

Requested by: 4- F: Architect Initiated Change

Reason: Coordination and add power for the Cold Storage Freezers. (CPE #196).
(RFI #265).

DSA prelim.
approval date: Pending

106	PCO 106	ADD/DEDUCT \$	3,410.00
		ADD/DEDUCT	0 Days

Description: Material cost for air flow monitoring not specified on base bid documents.

Requested by: 4- F: Architect Initiated Change

Reason: NBC to provide and EMCOR to install the air flow monitoring system (AFMS).
(CPE #207). (RFI #272 and #272.1).

DSA prelim.
approval date: Pending

107	PCO 107	ADD/DEDUCT \$	41,743.00
		ADD/DEDUCT	0 Days

Description: Purchase and install replacement louvers at the Penthouse.

Requested by: 2- F: Owner Initiated Change.

Reason: Additional- Purchase and install replacement louvers at the Penthouse. Base bid includes removal of existing only and NO provisions for replacement. (CPE #70r).

DSA prelim.
approval date: Pending

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DSA FILE NO.: 01-108426

DSA APP NO.:

PCCD FILE NO.:

108 ~~PCO 108~~

ADD/DEDUCT \$ ~~PENDING~~
ADD/DEDUCT 0 Days

Description: ~~Part of Change Order #6.~~ VOID, NOT AVAILABLE. *YRF 11/19/08*
Requested by:

Reason: Simplification of Exterior Storefront. (CPE #199).

DSA prelim.
approval date: Pending

109 PCO 109

ADD/DEDUCT \$ 616.00
ADD/DEDUCT 0 Days

Description: Change breaker and wire for power to equipment #87.

Requested by: 4- F: Architect Initiated Change

Reason: Additional cost for change of breaker and wire for power to equipment #87-
Dish Washing Machine.
(CPE #200). (RFI #247).

DSA prelim.
approval date: Pending

110 PCO 110

ADD/DEDUCT \$ PENDING
ADD/DEDUCT 0 Days

Description: Part of Change Order #6.

Requested by:

Reason: Acceptance of Tile unit pricing break-down. (CPE #204).

DSA prelim.
approval date: Pending

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SUMMARY OF CHANGE ORDER No. 5 Attachment

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CONTRACTOR: NBC CONTRACTORS INC. **DSA APP NO.:**
PCCD FILE NO.:

111 PCO 111	ADD/DEDUCT \$ 17,423.00
	ADD/DEDUCT 0 Days

Description: Elimination of allowance on CPE #174r2 for possible re-bid of acoustic.

Requested by: 2-F: Owner Initiated Change

Reason: Add back to CPE #174r2 original allowance for acoustic ceiling tile and acoustic wall paneling included. (CPE #205).

DSA prelim. approval date: Pending

112 PCO 112	ADD/DEDUCT \$ (7,261.00)
	ADD/DEDUCT 0 Days

Description: Credit for wood veneer at partition wall panels.

Requested by: 4- F: Architect Initiated Change

Reason: Deduct for natural wood veneer on interior operable partition wall panels, ADD plastic laminate finish instead. (CPE #D208r).

DSA prelim. approval date: Pending

113 PCO 113	ADD/DEDUCT \$ 1,245.00
	ADD/DEDUCT 0 Days

Description: Exterior stair waterproofing at Laney-temporary solution.

Requested by: 2-F: Owner Initiated Change

Reason: Installation of temporary waterproofing to prevent rainwater intrusion damage to BICK/Dining Room. (CPE #173).

DSA prelim. approval date: Pending

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CONTRACTOR: NBC CONTRACTORS INC. DSA APP NO.:
PCCD FILE NO.:

114 PCO 114	ADD/DEDUCT \$ (945.00)
	ADD/DEDUCT 0 Days

Description: Cost to grind and bush down existing concrete to 2% slope.

Requested by: 4- F: Architect Initiated Change

Reason: Grind and bush down at slab-on-grade substrate at interior by new Lotus Glass-Stax exterior folding wall system to create uniform 2% slope at interior tile surface. Credit - CPE #174r2 - floor prep. Allowance of \$7,500 as requested by WLC Architects on 11-12-08 (CPE #D203r). (RFI #D004 and D004.1).

DSA prelim.
approval date: Pending

115 PCO 115	ADD/DEDUCT \$ 665.00
	ADD/DEDUCT 0 Days

Description: Remove existing window shades in Dining Room.

Requested by: 4- F: Architect Initiated Change

Reason: Located in Dining Room above storefront windows - not referenced in plans. (These shades will not be used for the new design). (CPE #197r).

DSA prelim.
approval date: Pending