

PERALTA COMMUNITY COLLEGE DISTRICT
Board of Trustees Agenda Report
For the Trustee Meeting Date of April 13, 2010

ITEM # 34

ITEM TITLE:

Consider Approval of Amendment No. 6 to Agreement for Architectural Services with Marcy Wong & Donn Logan Architects for Building A Modernization, College of Alameda

SPECIFIC BOARD ACTION REQUESTED:

Approval is requested for Amendment No. 6 to the Agreement for Architectural Services with Marcy Wong & Donn Logan Architects for the Building A Modernization project at College of Alameda, for a fee of \$100,000.

ITEM SUMMARY:

Architectural services need to be extended for this project due to delays on the part of the contractor. The District's agreement with Marcy Wong & Donn Logan Architects, per Article 2.3, states that the Architect shall not exceed the duration of the schedule, unless the delay is caused by an excusable event such as delays by the construction contractor. The excusable event in this case is the financial and prevailing wage labor trouble of the general contractor, NBC General Contractor Corporation, which has resulted in delays to completion of the project. The administration rejected requests by NBC General Contractor Corporation for compensable payment due to these delays. Marcy Wong & Donn Logan Architects' involvement to facilitate the completion and closeout of the project has been necessary for the period beginning September 2009 and continuing through the end of March 2010.

BACKGROUND/ANALYSIS:

The original agreement with Marcy Wong & Donn Logan Architects was approved at the meeting of November 18, 2003, in the amount of \$535,000 plus \$37,000 for a reimbursable expense allowance. Due to owner requested changes, the scope of work for this modernization project substantially changed from what the Board originally approved in 2003. Such changes span over a six-year period. In the future, staff will give the owners a deadline in which any changes can be made. Changes will not be considered after the deadline time when design development phase of the project is complete. The Board approved the following modifications for additional/extended services:

- Modifications to the agreement for additional services and the seismic upgrade design in April and May of 2005, in the amount of \$107,621 and an increase in the reimbursable expense allowance of \$6,139 (Amendment No. 1).
- At the meeting of March 13, 2007, the Board approved additional services and a time extension at a fee of \$302,956 (Amendment No. 2).
- At the meeting of January 15, 2008, the Board approved additional services in the amount of \$42,300 (Amendment No. 3).
- At the meeting of December 9, 2008, the Board approved additional services in the amount of \$31,500 (Amendment No. 4).
- At the meeting of February 10, 2009, the Board approved additional services in the amount of \$19,530 (Amendment No. 5).

Including this Amendment No. 6, the total agreement amount for Marcy Wong & Donn Logan Architects is \$1,138,907 plus a not-to-exceed allowance of \$43,139 for reimbursable expenses.

The Board of Trustees has previously approved the contract and amendments for Marcy Wong & Donn Logan Architects on the dates indicated. The issues with closeout of the contract with NBC Contractors Corporation for the College of Alameda Building Modernization project have been discussed previously at Board Facilities Committee and Board of Trustees meetings.

ALTERNATIVES/OPTIONS:

Not applicable.

EVALUATION AND RECOMMENDED ACTION:

Approval is requested for Amendment No. 6 to the Agreement for Architectural Services with Marcy Wong & Donn Logan Architects for the Building A Modernization project at College of Alameda, for a fee of \$100,000.

SOURCE OF FUNDS (AND FISCAL/BUDGETARY IMPACT):

Measure E and Measure A, as approved by the voters in Peralta's constituency and authorized under Resolution 05/06-45, Exhibit A-1, College of Alameda, C02 "Remodeling and equipping classroom and campus facilities."

Budget Codes: 1-65-391-6206-1-710000-2946-00 (Measure A) and 1-63-391-5103, 6206, 6402 & 6403-1-710000-2341-00, 01, 05, 06, 07, 08 & 09 (Measure E – budgeted under different object codes and line item numbers).

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 X No _____

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

PLEASE ACQUIRE SIGNATURES IN THIS ORDER:

DOCUMENT PREPARED BY:

Prepared by: Sadiq B. Ikharo Date: 4/6/10
Dr. Sadiq B. Ikharo
Vice Chancellor of General Services

DOCUMENT PRESENTED BY:

_____ Date: _____
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: [Signature] Date: 4/7/10
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: [Signature] Date: 4/7/10
Thuy T. Nguyen, General Counsel

CHANCELLOR'S OFFICE APPROVAL

Approved, and Place on Agenda _____ Not Approved, but Place on Agenda

Signature: [Signature] Date: 4/6/10
Elihu Harris, Chancellor