

**PERALTA COMMUNITY COLLEGE DISTRICT**  
**Board of Trustees Agenda Report**  
**For the Trustee Meeting Date of May 11, 2010**

ITEM # 14

**ITEM TITLE:**

Consider Approval of Resolution 9/10-43, Acceptance and Retention, and Ratification of Deductive Change Order Nos. 1A and 2, Lighting Upgrades to Bldgs. B, D & G/Bldg. G Weight Room & Toilet Room Modifications at Bldgs. B, L & Diesel Mechanics, College of Alameda, Hung Construction

**SPECIFIC BOARD ACTION REQUESTED:**

Approval of Resolution 9/10-43, Acceptance and Retention, and Ratification of Deductive Change Order Nos. 1A and 2, Lighting Upgrades to Bldgs. B, D & G/Bldg. G Weight Room & Toilet Room Modifications at Bldgs. B, L & Diesel Mechanics, College of Alameda, Hung Construction.

**ITEM SUMMARY:**

On April 21, 2009, this Board awarded a contract to Hung Construction for the Lighting Upgrades to Bldgs. B, D & G/Bldg. G Weight Room & Toilet Room Modifications at Bldgs. B, L & Diesel Mechanics at College of Alameda. The project entered into several substantial completion reviews in order to allow for occupancy by the college for academic and staff needs and timeline. The work has now been completed, and acceptance is recommended. This resolution accepts the work as complete and provides for a retention payment of \$210,697.30, which is 10% of the contract price, as modified by Change Order Nos. 1, 1A and 2, to be paid thirty-five (35) calendar days from and after the filing of the Notice of Completion at the Alameda County Recorder's Office.

Ratification is also requested for deductive Change Order No. 1A, a reduction to the contract in the amount of (\$640), and deductive Change Order No. 2, a reduction to the contract in the amount of (\$169,192). The change orders include a non-compensatory time extension of 129 days to April 12, 2010. At the Board meeting of July 21, 2009, Change Order No. 1 was ratified in the amount of \$23,255.00, which is 1.1% of the original contract amount of \$2,163,550.00. Including these two deductive change orders, the cumulative change order amount of (\$146,577.00) is a **reduction of 0.6%** to the original contract amount of \$2,163,550.00.

Change Order No. 1A provides credits for:

- Deletion of the exhaust fan in the Men's and Women's Restrooms in the Diesel Mechanics Building, since the existing fan was found to be incorrectly wired
- A credit to leave in place the door frames in the Library restrooms on the second floor, since the existing frames were in good condition

Change Order No. 2 provides credits for:

- Deduction to the contract for the gymnasium wall, in the amount of \$153,000. This was deducted because the general contractor, Hung Construction, is going

- out of business and could not perform the scope of work.
- Deduction for deletion of mirrors (\$1,821) because the existing south facing mirror in the dance room was in good condition
- Deduction of \$14,371 for an uncommitted allowances for work that was not required to be performed

**BACKGROUND/ANALYSIS:**

This project is one of the previously Board approved Phase II College of Alameda Modernization and Short-Term projects, funded by Measure A. The modernization and short-term project allocations were discussed by the Board Facilities and Land Use Committee and approved by the Board of Trustees at the meeting of October 9, 2007.

The changes have been reviewed and approved by the project architect, the project manager and the General Services Department. It has been determined that it was in the best interests of the District and financially prudent to authorize these change orders.

**ALTERNATIVES/OPTIONS:**

Not applicable.

**EVALUATION AND RECOMMENDED ACTION:**

Approval of Resolution 9/10-43, Acceptance and Retention, and Ratification of Deductive Change Order Nos. 1A and 2, Lighting Upgrades to Bldgs. B, D & G/Bldg. G Weight Room & Toilet Room Modifications at Bldgs. B, L & Diesel Mechanics, College of Alameda, Hung Construction, is recommended.

**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, College of Alameda, "Remodeling and equipping classroom and campus facilities," "Plumbing, electrical, mechanical system upgrades and improvements," "Handicapped accessibility," and "Equipment, technology, upgrades, and facility and classrooms improvements and expansions for the college's following programs and proposed programs: Automotive Technology, Aviation Mechanic Technology Program, **Diesel Mechanic Technology**, Online-Education, Teacher Education, Institute in Foreign Languages (including but not limited to ESL and Spanish for Police Officers), Pharmacy Technician, Bioinformatics, Student Services, Dental Assisting, Accounting, Library, Learning Resources Center, Art, Anthropology, Apprenticeship programs, Astronomy and Physics, Biology, Extended Opportunities and Programs, Programs and Services for Students with Disabilities (Offices and Adapted Computer Lab), Computer Information Systems, Diesel, **Dance**, Music, Health Services, and CalWORKs/Workforce Development."

Budget code: 1-63-6206-1-710000-2315-00.

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

YES \_\_\_\_\_ NO  X

**COMMENTS:**

All Board recommended contracts are subject to negotiation and execution by the Chancellor.

**WHO WILL BE PRESENTING THIS ITEM AT THE BOARD MEETING?**

Vice Chancellor Ikharo

**DID A BOARD STANDING COMMITTEE RECOMMEND 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: 5/4/10  
Dr. Sadiq B. Ikharo  
Vice Chancellor of General Services

**DOCUMENT PRESENTED BY:**  
Sadiq B. Ikharo Date: 5/4/10  
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: 5/5/10  
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: 5/4/10  
Thuy T. Nguyen, General Counsel

**CHANCELLOR'S OFFICE APPROVAL**  
 Approved, and Place on Agenda  Not Approved, but Place on Agenda  
Signature: [Signature] Date: 5/4/10  
Elihu Harris, Chancellor

**PERALTA COMMUNITY COLLEGE DISTRICT  
RESOLUTION 9/10-43**

**ACCEPTANCE AND RETENTION**

**LIGHTING UPGRADES TO BLDGS. B, D & G/BLDG. G WEIGHT ROOM &  
TOILET ROOM MODIFICATIONS at BLDGS. B, L & DIESEL MECHANICS,  
COLLEGE OF ALAMEDA**

**HUNG CONSTRUCTION**

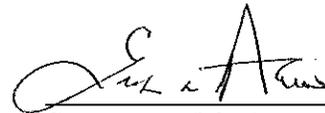
WHEREAS, HUNG CONSTRUCTION, a corporation existing under and by virtue of the laws of the State of California, the contractor under that certain contract with the Peralta Community College District, Alameda County, State of California, for all labor, materials, mechanical workmanship, transportation, equipment and services necessary for the Lighting Upgrades to Bldgs. B, D & G/Bldg. G Weight Room & Toilet Room Modifications at Bldgs. B, L & Diesel Mechanics, College of Alameda, has made application for acceptance of the work; and

WHEREAS, the Project Manager employed by the Board to supervise the completion of said work, has certified in writing to this Board that said contractor completed the work heretofore described and has recommended to this Board the final acceptance of the project; and

NOW, THEREFORE, BE IT RESOLVED that said work of said contract be and the same is hereby accepted; and

BE IT FURTHER RESOLVED that the retention payment in the amount of TWO HUNDRED TEN THOUSAND SIX HUNDRED NINETY-SEVEN AND 30/100 DOLLARS (\$210,697.30), which is ten percent (10%) of said contract price, as modified by Change Order Nos. 1, 1A and 2, shall be made thirty-five (35) calendar days calendar days from and after the filing of the Notice of Completion at the Alameda County Recorder's Office, provided no withhold notices requesting the withholding of any monies from said contractor have been filed with this Board of Trustees in accordance with the provisions of Title 15 of Part 4, Division 3, of the Civil Code of the State of California.

PASSED AND ADOPTED by the following called vote this 11th day of May, 2010. The full Board has voted in support of this resolution, unless the Board meeting minutes reflect otherwise.



Secretary of the Board of Trustees  
Peralta Community College District  
Alameda County  
State of California

**PROJECT FINAL ACCEPTANCE**

PROJECT NAME: Lighting Upgrades to Bldgs B, D & G/Bldg G Weight Room & Minor Accessibility Improvements

PROJECT NUMBER: COA Project 02315 (02330)

PROJECT MANAGER: Olive CM Inc.

CONTRACTOR: Hung Construction

For acceptance and approval at the Board of Trustees Meeting of:

April 27, 2010

This project is accepted and complete and approved by the College/District:

**College President**

George Henry 4/12/10  
(signature) (date)

**College Business Manager**

Channe Edgill 4-12-10  
(signature) (date)

Recording Requested By:  
Peralta Community College District

When Recorded, Mail To:  
Office of General Services  
333 East 8th Street  
Oakland, CA 94606

For Recorder's Use

Government Code: 27383

## Peralta Community College District

Office of General Services  
333 East 8th Street, Oakland, California 94606  
(510) 466-7200 (510) 466-7315

### NOTICE OF COMPLETION

OWNER: PERALTA COMMUNITY COLLEGE DISTRICT, OAKLAND CA  
NATURE OF INTEREST OR ESTATE: FEE  
PROJECT CONTRACT TITLE: LIGHTING UPGRADES TO BLDGS B, D & G/BLDG G WEIGHT ROOM &  
MINOR ACCESSIBILITY IMPROVEMENTS  
PROJECT NUMBER: 2330  
PROJECT ADDRESS: 555 RALPH APPEZZATO MEMORIAL PARKWAY, ALAMEDA, CA  
CONTRACTOR: HUNG CONSTRUCTION COMPANY  
CONTRACTOR'S ADDRESS: 851 81<sup>ST</sup> AVENUE, SUITE A, OAKLAND, CA 94621  
DSA APPLICATION NUMBER: 109625  
CONTRACT START DATE: MAY 11, 2009  
ORIGINAL CONTRACT TIME: 208 CALENDAR DAYS  
CONTRACT TIME EXTENSIONS: 129 CALENDAR DAYS  
APPROVED VIA CHANGE ORDER: 2  
CONTRACT COMPLETION DATE: APRIL 12, 2010

The above referenced Contract has been completed in accordance with the plans and specifications thereof, and to the satisfaction of the Peralta Community College District. The nature of the title of the stated owner is: in fee.

State of California  
County of Alameda

That he/she/they is/are the person(s) signing the above document; that He/she/they has/have read the same, and know(s) the content thereof and that the acts stated therein are true.

Sadiq B. Ikharo  
(Signature of Affiant)  
Dr. Sadiq Bello Ikharo  
Vice Chancellor, General Services

5/4/10  
Date

I declare under penalty of perjury that the foregoing is true to the best of my knowledge.

Sadiq B. Ikharo  
(Signature of Affiant)  
Dr. Sadiq Bello Ikharo  
Vice Chancellor, General Services

5/4/10  
Date

# PERALTA COMMUNITY COLLEGE DISTRICT

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## CHANGE ORDER NO. 1A

**PROJECT:** Toilet Room Modernization at Bldgs  
B, L & DM

**DATE:** March 10, 2010

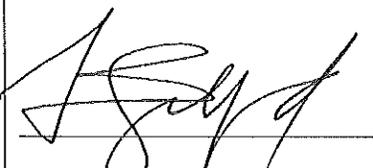
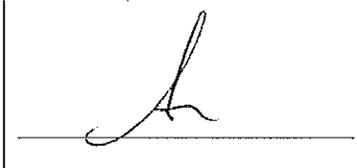
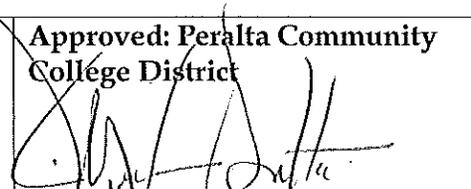
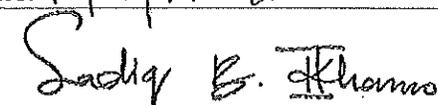
**OWNER:** Peralta Community College District  
**CONTRACTOR:** Hung Construction Co.  
851 81st Avenue, Suite A  
Oakland, CA 94621

**DSA FILE NO.:** 1-C1  
**DSA APP NO.:** 109901  
**PCCD PROJECT #:** 2330  
**PROJECT MANAGER:** OCM Inc.

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. Through acceptance of this change order, this Contractor acknowledges that it has reviewed the progress of the work related to this project and the potential impact of the added work on the progress of the project in the future. As a result, this change order includes compensation to the Contractor for any and all effects, delays, inefficiencies or similar demands associated with this project and the Contractor recognizes that there is no basis for any such claim in the future. Please note that all other terms and conditions of the contract remain unchanged and that all costs to maintain our original contract schedule with the inclusion of the adjusted scope of work as set forth by this change order are included within the lump sum change order amount stated herein.

Original Contract Sum.....\$ 363,400.00  
 Net Change by previously authorized Change Orders.....\$ 0.00  
 The Contract sum prior to this Change Order was.....\$ 363,400.00  
 The Contract sum will be decreased by this Change Order.....\$ ( 640.00)  
 The New Contract Sum including this Change Order will be.....\$ 362,760.00  
 Cumulative Change Order(s) as a percentage of contract including this Change Order(-0.02 %)  
 The Contract is changed by (129) Days  
 Contract completion date as of this Change Order therefore is: April 12, 2010

Summary reference attached items: P.C.O. 6, 7

<p><b>Approved:</b> Architect of Record</p>    _____ Date: 4/07/10	<p><b>Approved:</b> General Contractor</p>    _____ Date: 4/11/10	<p><b>Approved:</b> Peralta Community College District</p>   _____ Director of Capital Projects Date: 15, April 2010  _____ Vice Chancellor of General Services Date: May 4, 2010
<p><b>Approved:</b> Electrical or Structural Engineer</p>   _____ Date:	<p><b>Approved:</b> Mechanical Engineer</p>   _____ Date:	<p><b>Approved:</b> Div. of the State Architect</p>   _____ Date:

# PERALTA COMMUNITY COLLEGE DISTRICT

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## SUMMARY OF CHANGE ORDER No. 1A Attachment

**PROJECT:** TOILET ROOM MODERNIZATION  
AT BLDGS B, L & DM

**DATE:** APRIL 1, 2010

**DSA FILE NO.:** 1-C1

**DSA APP NO.:** 109901

**OWNER:** Peralta Community College District  
**CONTRACTOR:** HUNG CONSTRUCTION

**PCCD FILE NO.:** 2330

<b>1</b>	<b>PCO No. 6</b>	<b>DEDUCT \$ (208.00)</b>
		<b>ADD/DEDUCT 0 Days</b>

**Description:** 2-F Delete Exhaust Fan in Mens and Womens Toilet Rooms in Diesel Mechanics

**Requested by:** Owner

**Reason:** The existing exhaust fan is in new condition, the reason it was not functioning previously is that the wiring was incorrectly installed. This will provide a credit for the work.

**DSA prelim.  
approval date:** Pending

<b>2</b>	<b>PCO No. 7</b>	<b>DEDUCT \$ (423.00)</b>
		<b>ADD/DEDUCT 0 Days</b>

**Description:** 2-F Credit to delete the replacement of the door frame in Library doorways

**Requested by:** Owner

**Reason:** The door frame in the library is in good condition, this will provide a new door and allow the existing frame to remain.

**DSA prelim.  
approval date:** Pending

End of Items

# PERALTA COMMUNITY COLLEGE DISTRICT

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## CHANGE ORDER NO. 2

**PROJECT:** Lighting Upgrades to Bldgs B, D & G

**DATE:** March 10, 2010

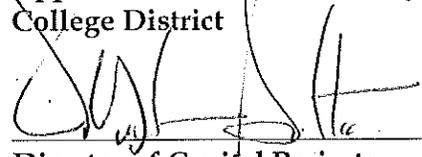
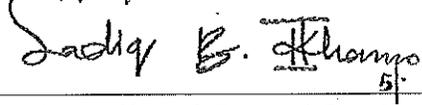
**OWNER:** Peralta Community College District  
**CONTRACTOR:** Hung Construction Co.  
 851 81st Avenue, Suite A  
 Oakland, CA 94621

**DSA FILE NO.:** 1-C1  
**DSA APP NO.:** 109625  
**PCCD PROJECT #:** 2330  
**PROJECT MANAGER:** OCMInc.

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. Through acceptance of this change order, this Contractor acknowledges that it has reviewed the progress of the work related to this project and the potential impact of the added work on the progress of the project in the future. As a result, this change order includes compensation to the Contractor for any and all effects, delays, inefficiencies or similar demands associated with this project and the Contractor recognizes that there is no basis for any such claim in the future. Please note that all other terms and conditions of the contract remain unchanged and that all costs to maintain our original contract schedule with the inclusion of the adjusted scope of work as set forth by this change order are included within the lump sum change order amount stated herein.

Original Contract Sum.....\$1,800,150.00  
 Net Change by previously authorized Change Orders.....\$ 23,255.00  
 The Contract sum prior to this Change Order was..... \$1,823,405.00  
 The Contract sum will be decreased by this Change Order.....\$ (169,192.00)  
 The New Contract Sum including this Change Order will be..... \$1,654,213.00  
 Cumulative Change Order(s) as a percentage of contract including this Change Order(-8.0%)  
 The Contract is changed by (129) Days  
 Contract completion date as of this Change Order therefore is: April 12, 2010

Summary reference attached items: P.C.O. 4, 5 and 8

<p><b>Approved:</b> Architect of Record</p>   <hr/> <p>Date: 4/09/10</p>	<p><b>Approved:</b> General Contractor</p>   <hr/> <p>Date: 4/11/10</p>	<p><b>Approved:</b> Peralta Community College District</p>   <hr/> <p>Director of Capital Projects</p> <p>Date: 4/15, April 2010</p>  <hr/> <p>Vice Chancellor of General Services</p> <p>Date: May 4, 2010</p>
<p><b>Approved:</b> Electrical or Structural Engineer</p>  <hr/> <p>Date:</p>	<p><b>Approved:</b> Mechanical Engineer</p>  <hr/> <p>Date:</p>	<p><b>Approved:</b> Div. of the State Architect</p>  <hr/> <p>Date:</p>

# PERALTA COMMUNITY COLLEGE DISTRICT

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## SUMMARY OF CHANGE ORDER No. 2 Attachment

PROJECT: LIGHTING UPGRADES TO BLDGS B, D & G

DATE: APRIL 1, 2010

DSA FILE NO.: 1-C1

DSA APP NO.: 109625

OWNER: Peralta Community College District

CONTRACTOR: HUNG CONSTRUCTION

PCCD FILE NO.: 2330

1 PCO No. 4

DEDUCT \$ (153,000.00)  
ADD/DEDUCT 0 Days

Description: 1-F Credit for deletion of gymnasium wall

Requested by: Contractor

Reason: Hung Construction has informed the District that they intend to close their doors and cannot finish this portion of the work. This portion of DSA approved work will be separately bid and performed.

DSA prelim.  
approval date: Pending

2 PCO No. 5

DEDUCT \$ (1,821.00)  
ADD/DEDUCT 0 Days

Description: 2-F Credit for deletion of mirrors and smaller window

Requested by: Owner

Reason: The south side of the dance room already had mirrors installed under a separate project. This deletion will keep the existing mirrors.

DSA prelim.  
approval date: Pending

3 PCO No. 8

DEDUCT \$ (14,371.00)  
ADD/DEDUCT 0 Days

Description: 2-F Deduct for uncommitted allowances and unit prices incorporated into base-bid contract

Requested by: Owner

Reason: Uncommitted amount remaining

DSA prelim.  
approval date: Pending