

PERALTA COMMUNITY COLLEGE DISTRICT
Board of Trustees Agenda Report
For the Trustee Meeting Date of May 25, 2010

ITEM # 22

ITEM TITLE:

Consider Approval of Change Order No. 1 to Design-Build Services Agreement with Gilbane Building Company for Laney College Athletic Complex

SPECIFIC BOARD ACTION REQUESTED:

Approval is requested for Amendment No. 1 to the agreement for design-build services with Gilbane Building Company for the Laney College Athletic Complex project, in the amount of \$5,650,000.

ITEM SUMMARY:

The change order is comprised of the following three items:

- 1) Increased design-build base budget from \$12,000,000 to \$14,500,000 (an increase of \$2,500,000). The primary reason for the increase is the result of 3,000 square feet that was added to the Field House in order to meet the needs of the Laney athletic program. The Field House was originally planned to be 15,000 square feet. However, in design development the square footage was increased to 18,000 at the request of the college (\$805.56 per square foot).
- 2) Photovoltaic Collection System in the amount of \$1,900,000. A photovoltaic collection system, which will supply 100% of the peak energy demand of the Field House (a minimum of 350,000 kilowatt hours per year), will be built in the parking lot and the Field House as part of the Increment #2 scope of work. Funding for the photovoltaic part of this project is coming from the District-wide solar budget (\$16,000,000).
- 3) Add Alternates for Increment #3 (Field House) requested by Laney College in the amount of \$1,250,000. Prior to completion of the construction documents, four value engineering sessions were held with college representatives/stakeholders, the design-build team, and PCCD project management to ensure that the construction costs of the project did not exceed \$14,500,000. A list of items was generated that would keep the project on budget without reducing the square footage of the Field House. Laney requested that some of the value engineering items be added back into the scope of work. A Measure A budget transfer was signed by Laney College/District to augment the design-build budget, increasing the maximum construction cost from \$14,500,000 to \$15,750,000. These bid alternates will enhance the ability of the Laney Athletic program to serve the needs of its students and the broader community. The bid outcome for the alternate items will determine the final cost versus the engineering cost estimates.

Total: \$5,650,000

BACKGROUND/ANALYSIS:

The Board of Trustees approved negotiation of a design-build contract with Gilbane Building Company at the Board meeting of November 18, 2008, following a competitive Request for Proposal process. The amount of the original agreement was \$12,000,000. Including Change Order No. 1, the total amount of the design-build agreement will be \$17,650,000.

The Athletic Field Complex project has been discussed by the Board Facilities and Land Use Committee and the Board of Trustees. The Board approved a total project budget of \$16,500,000 as part of the Bond Measure (A and E) Spending Plan at the meeting of June 23, 2009. The \$1,900,000 for the photovoltaic collection system is part of the \$16,000,000 District-wide Solar/Sustainability allocation of Measure A funds also approved as part of the Bond Measure Spending Plan.

ALTERNATIVES/OPTIONS:

Not applicable.

EVALUATION AND RECOMMENDED ACTION:

Approval is recommended for Amendment No. 1 to the agreement for design-build services with Gilbane Building Company for the Laney College Athletic Complex project, in the amount of \$5,650,000.

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, "Athletic Fields, Gym and Facilities," and District-Wide Projects, "Solar energy system installation and the retrofitting of existing energy systems."

Budget code: 1-63-391-6120-1-710000-2338-00.

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 Ikhara

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. Ikhano Date: 5-18-10
Dr. Sadiq B. Ikhano
Vice Chancellor of General Services

DOCUMENT PRESENTED BY:
Sadiq B. Ikhano Date: 5-18-10
Dr. Sadiq B. Ikhano
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: _____ Date: _____
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: 5/18/10
Thuy T. Nguyen, General Counsel

CHANCELLOR'S OFFICE APPROVAL
 Approved, and Place on Agenda Not Approved, but Place on Agenda
Signature: Elihu Harris Date: 5/18/10
Elihu Harris, Chancellor

PERALTA COMMUNITY COLLEGE DISTRICT

Office of General Services • 333 East 8th Street Oakland, California 94606 • Phone 510/466-7200 • Fax 510/466-7315

CHANGE ORDER NO. 1

PROJECT: Laney Athletic Complex

DATE: 05/03/2010

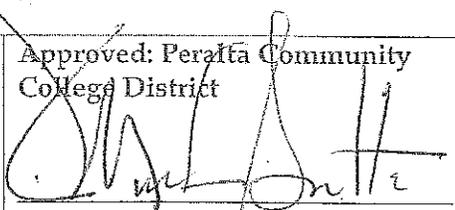
OWNER: Peralta Community College District
CONTRACTOR

DSA FILE NO.: 1-C1
DSA APP NO.: 01-110972
PCCD PROJECT #: 02338
PROJECT MANAGER: Trent Tornabene

The Contractor is authorized to make the changes listed in **PRELIMINARY CHANGE ORDER NO. 1** and described in its Change Order Attachment when this Change Order has been approved.

Original Contract Sum.....\$ 12,000,000.00
 Net Change by previously authorized Change Orders.....\$ 0
 The Contract sum prior to this Change Order was.....\$ 12,000,000.00
 The Contract sum will be increased/decreased by this Change Order.....\$ 5,650,000.00
 The New Contract Sum including this Change Order will be.....\$ 17,650,000.00
 Cumulative Change Order(s) as a percentage of contract including this Change Order 47.08 %
 The Contract is changed by (291) Days
 Contract completion date as of this Change Order therefore is: April 28, 2011

Attachment: **PRELIMINARY CHANGE ORDER NO. 1**

Approved: Architect of Record Date:	Approved: General Contractor Date: 5-5-10	Approved: Peralta Community College District  Director of Capital Projects Date: 10, May 2010  Vice Chancellor of General Services Date: 5/11/10
Approved: Electrical or Structural Engineer Date:	Approved: Mechanical Engineer Date:	Approved: Div. of the State Architect Date:

PERALTA COMMUNITY COLLEGE DISTRICT

Department of General Services • Phone 510/466-7341 • Fax 510/466-7315

PRELIMINARY CHANGE ORDER NO. 1

PROJECT:	LANEY ATHLETIC COMPLEX	DATE:	05/03/2010
OWNER:	Peralta Community College District	DSA FILE NO.:	1-C1
TO:	PCCD 333 East Eighth Street Oakland, CA 94608	DSA APP. NO.:	01-110972
		PCCD PROJECT NO.:	02338

You are hereby directed to make the following change(s) in this Contract. When signed by the Owner and Contractor, this document becomes effective immediately and the Contractor shall proceed as with the changes described below. An official change order shall be issued to follow up on this preliminary change order as soon as possible.

DESCRIPTION:

1. Scope.

- 1) The base budget for the Laney Athletic Complex is being amended from \$12 million to \$14.5 million to accommodate additional scope - most notably an increase in the size of the Field house from 15,000 to 18,000 square feet.
- 2) A photovoltaic collection system, which will provide a minimum of 340,000 kilowatt hours per year (100% of the peak energy demand of the field house), is being added to the project scope at a not-to-exceed cost of \$1.9 million. Further scope descriptions to be supplied by Owner.
- 3) Per the request of Laney College, items on the value engineering list are being added back into the project scope. The total cost of these items is estimated at a not-to-exceed amount of \$1.25 million. The value engineering items beyond those accounted for within the NTE amount of \$1.25 million, and which are still represented on the design documents, are considered out of scope.
- 4) Due to added project scope and DSA review time, the project schedule is also being amended. The original substantial completion per the base contract was July 11, 2010; the revised substantial completion per the new baseline schedule is April 28, 2011.
- 5) All Work to be administered per terms of Contract Documents, as modified herein.
- 6) Reference (for information only) -- Laney Athletic Cost Estimate 2010-0426, Laney Athletic New Baseline Schedule 2010-0128, Laney Athletic Budget Evolution 2010-0317, Laney Athletic Scope Evolution 2010-0401

2. Supplement to Document 00520 (Agreement), "Article I. Work":

a. Project Description (to replace Section 1.2 and 1.3).

The Project that is the subject of the Design-Build Entity's Turnkey Scope obligation, to be designed and built in conformance with the Contract Documents, consists of the following three Increments, and shall comprise the Work of the Contract:

Increment #1: Site improvements include the demolition of existing turf, irrigation, fencing, dugouts, backstops, and paving. Contractor to complete

earthwork and grading operations, including the installation of new asphalt paving at parking lot, parking lot drainage system, storm water pollution prevention measures, tree removal, parking lot electrical, site utilities (water, telephone/data, fiber optics, coaxial cable, electrical, gas and sanitary sewer). See **Change Order Attachments** in attached drawings and technical specifications, to include: a) Drawing References Increments 1 and 2 (12/08/2009); b) Drawing Log Increment 1 (12/08/09); c) Technical Specifications Increment 1 (03/09/10).

Increment #2: Site Improvements, to include: Included are fencing, edge bands, concrete and asphalt paving, athletic furnishings, synthetic turf, natural turf, irrigation, drainage systems, netting, domestic water systems, signage and landscape. Architectural and Structural Improvements, to include: Installation of dugouts, scoreboard, foul poles, flag pole, retaining walls, netting system, bleacher system, score keeper's booth and ramps. Electrical Improvements, to include: Installation of power distribution, security lighting and public address systems. See **Change Order Attachments** in attached drawings and technical specifications, to include: d) Drawing Log Increment 2 (12/08/09); e) Technical Specifications Increment 2 (11/24/09) with reference to supplement #4 dated 12/08/09.

Photovoltaic collection system (scope description to be supplied by Owner.)

Increment #3: Construction of field house. See **Change Order Attachments** in attached drawings and technical specifications, to include: f) Drawing Log Increment 3 (04/15/10); g) Technical Specifications (04/15/10).

b. Budget Limit (to revise Sections 1.2's reference to Budget Limits and Section 1.4's reference to Budget Limits).

District's Budget Limit is revised to \$17,650,000, as follows:

- i. Increment 1, 2 and 3: \$14.5 Million base plus \$1.25 Million VE items
- ii. Photovoltaic collection system: \$1.9 Million
- iii. Sums paid to date on the Project and subject to the Contract, shall be included within the Budget Limits established herein (i.e., not in addition to.)

3. Supplement to Document 00520 (Agreement), "Article III. Contract Time" (Section 3.1):

- 3.1 Contract Times for achieving Substantial Completion and Final Completion of each Increment, measured in calendar days from the NTP for each respective increment (as reflected on Design-Build Entity's 01/28/10 schedule), are as follows:
 - a) Increment 1 - Duration from issuance of NTP to Substantial Completion: 98 calendar days; 21 additional calendar days to Final Completion.
 - b) Increment 2 - Duration from issuance of NTP to Substantial Completion: 168 calendar days; 21 additional calendar days to Final Completion.
 - c) Increment 3 - Duration from issuance of NTP to Substantial Completion: 294 calendar days; 21 additional calendar days to Final Completion.

4. Supplement to Document 00520 (Agreement), "Article IV. Contract Sum" (Section 4.1):

District's Budget Limit is revised to \$17,650,000, as follows:

- i. Increment 1, 2 and 3: \$14.5 Million base plus \$1.25 Million VE items
- ii. Photovoltaic collection system: \$1.9 Million

5. **Clarifying Supplement to Pricing References in Document 00520 (Agreement), Article IV and V, and Document 00525 (Preconstruction and GMP Development Services), Section 1.2 (Services), 1.3 (Schedule), Task 5 and Task 6:** District and Design Build Entity have not yet reached agreement on pricing (Lump Sum, Preliminary or Final GMP) for the Work. Both parties covenant to continue to negotiate such matters in good faith without interruption to performing their obligations under the Contract Documents.

REASON INITIATED

A-2: Owner/College requested change

As Contract Documents: a) Drawing References Increments 1 and 2 (12/08/2009); b) Drawing Log Increment 1 (12/08/09); c) Technical Specifications Increment 1 (03/09/10); d) Drawing Log Increment 2 (12/08/09); e) Technical Specifications Increment 2 (11/24/09) with reference to supplement #4 dated 12/08/09; f) Drawing Log Increment 3 (04/15/10); g) Technical Specifications (04/15/10).

ATTACHMENTS:

For information only: As referenced above. Laney Athletic Cost Estimate 2010-0426, Laney Athletic New Baseline Schedule 2010-0128, Laney Athletic Budget Evolution 2010-0317, Laney Athletic Scope Evolution 2010-0401; Contractor's Schedule dated 01/28/10.

The proposed basis of adjustment to the Contract Price and Contract time are as follows:

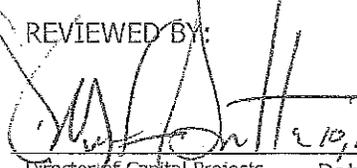
Amount of Change: Add Deduct \$ 5,650,000.00
 Lump Sum T & M Not to Exceed Force Amount

Time Extension: 291 Calendar Days

ISSUED BY:

 05/10/10
 Facilities Project Manager Date

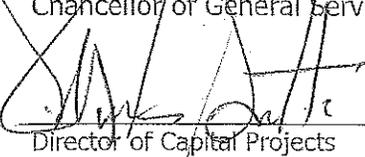
REVIEWED BY:

 10, MAY 2010
 Director of Capital Projects Date

ACCEPTED AND AGREED BY:

 VP 5/5/10
 Contractor Date

Signature by the Contractor indicates the Contractor's agreement with the above adjustments in Contract Sum and Contract Time. Signature of District's Director of Capital Projects and Vice Chancellor of General Services indicates their recommendation to the District's Board of Trustees.

 10, MAY 2010 Sadiq B. Ikhannum 5/4/10
 Director of Capital Projects Date Vice Chancellor of General Services Date