

PERALTA COMMUNITY COLLEGE DISTRICT
Board of Trustees Agenda Report
For the Trustee Meeting Date of June 22, 2010

ITEM # 24

ITEM TITLE:

Consider Approval of Resolution 09/10-42, Accept Bid and Award Contract, Gymnasium Kalwall at College of Alameda (Bid No. 09-10/33), E.F. Brett & Company, Inc.

SPECIFIC BOARD ACTION REQUESTED:

Approval of Resolution 09/10-42, Accept Bid and Award Contract, for the Gymnasium Kalwall at College of Alameda (Bid No. 09-10/33), to E.F. Brett & Company, Inc. in the amount of \$456,679.00.

ITEM SUMMARY:

This project provides for the installation of kalwall, a translucent fenestration similar to a skylight, on four sides of the existing gymnasium. This will provide natural daylight to the gymnasium, resulting in energy savings.

A formal bid was conducted for this project (Bid No. 09-10/33), and a bid opening was held on June 3, 2010. Four bids were received, as follows:

CONTRACTOR	LOCATION	TOTAL BID
E.F. Brett & Company, Inc.	Woodacre, CA	\$568,074.00
John Plane Construction, Inc.	Brisbane, CA	\$625,977.00
Cal State Construction	Fremont, CA	\$646,207.00
Rodan Builders, Inc.	Burlingame, CA	\$895,340.00

The lowest responsible and responsive bid was submitted by E.F. Brett & Company, in the amount of \$568,074.00. This resolution formally accepts the bid and authorizes the contract award to E.F. Brett & Company, Inc. for the Gymnasium Kalwall at College of Alameda (Bid No. 09-10/33), in the amount of \$456,679.00. (The bid amounts reflect the total bids, including alternatives. The recommended award amount of \$456,679.00 does not include all of the alternates.)

BACKGROUND/ANALYSIS:

This work was originally to be performed under the contract with Hung Construction for the Lighting Upgrades to Bldgs. B, D and G/Bldg. G Weight Room and Minor Accessibility Improvements and Toilet Room Modernization at Bldgs. B, L and Diesel Mechanics project. It was not completed under the Hung contract for the following reasons:

1. When the bids were originally submitted for the project, the kalwall was a Division of the State Architect (DSA) deferred approval item. Due to the

inordinately long approval of the kalwall shop drawings by (DSA), this portion of the project was delayed for installation during the non-rainy season.

2. Hung Construction's contract with the District ended in December 2009, and a proposed change of an additional \$53,484.00 from Hung Construction to do this work during the spring of 2010 was rejected by the District. This change order would have resulted in more than 10% of the original contract amount. The District instead opted to re-bid this project separately in the spring of 2010.
3. The College could not find alternative swing space for basketball games and practice, so it was necessary to utilize the existing space in the gymnasium. A new schedule for construction of the kalwall was requested. However, Hung Construction informed the District in January 2010 that they are closing their business and could not accept a delay to this portion of the work.

At the meeting of March 9, 2010, the Board approved a budget of \$410,058.40 to competitively bid the kalwall as a separate project, which included an estimated construction budget of \$318,644.00. Funding was to come from bid savings on other College of Alameda Short Term and Modernization projects. This bid savings will cover the additional amount now required to complete the project.

This project was bid previously, with a bid opening date of April 27, 2010. One bid was received in the amount of \$550,024.00. Because the bid exceeded the budget and only one bid was received, it was decided to re-bid the project. This is part of one of the approved short-term and modernization projects for College of Alameda, and the project was not originally bid under the PLA. Although this portion of the project was not bid with the PLA requirement, the contractor will perform the work under the PLA. This was decided at a meeting held on June 14, 2010, with the District, Davillier-Sloan, Inc. (PLA administrator) and the Alameda County Building Trades Council. The contractor will sign a Letter of Assent, by which he agrees to all provisions of the District's PLA.

Attached is the spreadsheet outlining the cost estimate of the project, recently updated by Lee Saylor to reflect a total of \$290,400.00 without mark-ups for the base bid work. The previous base bid amount of \$200,000.00 by Hung Construction fell within the reasonable margin of bid. The base bid submitted by E.F. Brett is \$400,215.00 with mark-ups, which is also within the justifiable estimating margin. This bid also carried additional additive alternates for the following:

- Two alternates for temporary roofing in the event of an early rainy season in the amounts of \$12,209.00 (Alt. 1) and \$19,767.00 (Alt. 2)
- Modification of an existing handrail to current ADA standards as requested by DSA - \$465.00 (Alt. 3).
- Additional painting of the existing mansard roof in the event the limited painting does not provide a continuous appearance - \$23,023.00 (Alt. 4)
- Replacement of the metal roof in the event the existing roof installed in the 1970's cannot withstand the current construction - \$81,395.00 (Alt. 5)
- In addition, two unit prices were included for :
 - Duct hangers – to relocate the existing duct hangers in the way of construction - \$1,000.00 (Unit Pricing 1)
 - Removal of flooring protection twice, if the area were to be needed by the College on an emergency basis - \$10,000.00 (Unit Pricing 2)

The alternates and unit pricing were included in the bid in order to solicit a competitive price for these items, if needed. It is anticipated, if approval and work can commence soon, that a majority of alternates or unit pricing will not be required. However, until we know this, staff recommendation is to approve the project with the following alternates included: Alternates 1, 2, 3, 4 and Unit Pricing 1. Acceptance of the base bid, recommended alternates and unit pricing totals a contract award amount of \$456,679.00, which is approximately \$100,000.00 less than the previous bid.

Installation of the kalwall and the necessary support requires opening up about one hundred feet along the perimeter on each side of the Gymnasium roof. The work cannot be performed during the rainy season without risking water damage to the flooring in the recently modernized Gymnasium. Because the bidding process takes about two-and-a-half months, if the contract is not awarded at this time, the re-bid would have to be postponed until spring/summer of 2011.

The Board Facilities and Land Use Committee and the Board of Trustees have previously approved this project, because the gymnasium kalwall was included in the scope of work for an approved College of Alameda Phase II modernization and short-term project (Lighting Upgrades to Bldg. B, D and G/Bldg. G Weight Room and Minor Accessibility Improvements and Toilet Room Modernization at Bldgs. B, L and Diesel Mechanics). Allocation of Measure A funding for the Phase II modernization and short-term projects was approved at the Board meeting of October 9, 2007. The scope of work for this particular project was originally part of the contract awarded to Hung Construction at the Board meeting of April 21, 2009.

ALTERNATIVES/OPTIONS:

Not applicable.

EVALUATION AND RECOMMENDED ACTION:

Approval of Resolution 09/10-42, Accept Bid and Award Contract, for the Gymnasium Kalwall at College of Alameda (Bid No. 09-10/33), to E.F. Brett & Company, Inc. in the amount of \$456,679.00, 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."

Budget code: 1-63-391-6206-1-710000-2345-00.

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. Ikharmo Date: 6-15-10
Dr. Sadiq B. Ikharmo
Vice Chancellor for General Services

DOCUMENT PRESENTED BY:

Sadiq B. Ikharmo Date: 6-15-10
Dr. Sadiq B. Ikharmo
Vice Chancellor for 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
with Labor's agreement

Signature: [Signature] Date: 6/16/10
Thuy T. Nguyen, General Counsel

CHANCELLOR'S OFFICE APPROVAL

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

Signature: [Signature] Date: 6/15/10
Elihu Harris, Chancellor

**PERALTA COMMUNITY COLLEGE DISTRICT
RESOLUTION 09/10-42**

**ACCEPT BID AND AWARD CONTRACT
GYMNASIUM KALWALL AT COLLEGE OF ALAMEDA
BID NO. 09-10/33**

E.F. BRETT & COMPANY, INC.

WHEREAS, this Board has heretofore advertised for bids to secure all labor, material, equipment, mechanical workmanship, transportation and services for the Gymnasium Kalwall at College of Alameda (Bid No. 09-10/33); and

WHEREAS, four bids were received in response to said advertisement on the 3rd day of June, 2010; and

WHEREAS, this Board does hereby accept the bid of E.F. Brett & Company, Inc.; and

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby accept the bid of E.F. Brett & Company, Inc., P.O. Box 96, Woodacre, California 94973, in the amount of FOUR HUNDRED FIFTY-SIX THOUSAND SIX HUNDRED SEVENTY-NINE AND NO/100 DOLLARS (\$456,679.00); making the total contract price FOUR HUNDRED FIFTY-SIX THOUSAND SIX HUNDRED SEVENTY-NINE AND NO/100 DOLLARS (\$456,679.00); and

BE IT FURTHER RESOLVED that the bids of the other bidders shall be and the same are hereby rejected; and

BE IT FURTHER RESOLVED that the Secretary of this Board be and he is hereby authorized and directed to enter into a contract in accordance with law with said E.F. Brett & Company, Inc. for the Gymnasium Kalwall at College of Alameda (Bid No. 09-10/33), and the bid bond of said bidder be returned to it upon the acceptance of said contract together with the bonds attached thereto.

PASSED AND ADOPTED this 22nd day of June, 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