

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

ITEM # 26

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 \$100,848.65, which is 5% 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 (\$640.00), and deductive Change Order No. 2, a reduction to the contract in the amount of (\$169,192.00). 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 \$153,000.00. 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 (\$1,821.00) because the existing south facing mirror in the dance room was in good condition
- Deduction of \$14,371.00 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 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. Ikharmo Date: 6-15-10
Dr. Sadiq B. Ikharmo
Vice Chancellor of General Services

DOCUMENT PRESENTED BY:

Sadiq B. Ikharmo Date: 6-15-10
Dr. Sadiq B. Ikharmo
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: [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 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 ONE HUNDRED THOUSAND EIGHT HUNDRED FORTY-EIGHT AND 65/100 DOLLARS (\$100,848.65), which is five percent (5%) 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 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

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

Gene Henry
(signature)

4/27/10
(date)

College Business Manager

Connie Edgill
(signature)

4-27-10
(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: TOILET ROOM MODERNIZATION AT BLDG B, L & DM
PROJECT NUMBER: 2330
PROJECT ADDRESS: 555 RALPH APPEZZATO MEMORIAL PARKWAY, ALAMEDA, CA
CONTRACTOR: HUNG CONSTRUCTION COMPANY
CONTRACTOR'S ADDRESS: 851 81ST AVENUE, SUITE A, OAKLAND, CA 94621
DSA APPLICATION NUMBER: 109901
CONTRACT START DATE: MAY 11, 2009
ORIGINAL CONTRACT TIME: 208 CALENDAR DAYS
CONTRACT TIME EXTENSIONS: 129 CALENDAR DAYS
APPROVED VIA CHANGE ORDER: 1A
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, I & DM

DATE: March 10, 2010

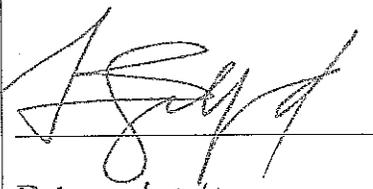
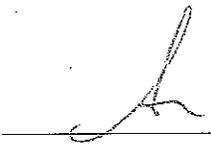
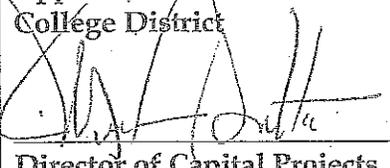
OWNER: Peralta Community College District
CONTRACTOR: Hung Construction Co.
851 81st Avenue, Suite A
Oakland, CA 94621

DSA FILE NO.: 1-C1
DSA APP NO.: 109901
PCCD PROJECT #: 2330
PROJECT MANAGER: 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.....\$ 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>Approved: Architect of Record</p> <div style="text-align: center; margin-top: 50px;">  _____ Date: 4/09/10 </div>	<p>Approved: General Contractor</p> <div style="text-align: center; margin-top: 50px;">  _____ Date: 4/11/10 </div>	<p>Approved: Peralta Community College District</p> <div style="text-align: center; margin-top: 20px;">  _____ Director of Capital Projects Date: 15, APRIL 2010 </div> <div style="text-align: center; margin-top: 20px;">  _____ Vice Chancellor of General Services Date: MAY 4, 2010 </div>
<p>Approved: Electrical or Structural Engineer</p> <div style="text-align: center; margin-top: 50px;"> _____ Date: </div>	<p>Approved: Mechanical Engineer</p> <div style="text-align: center; margin-top: 50px;"> _____ Date: </div>	<p>Approved: Div. of the State Architect</p> <div style="text-align: center; margin-top: 50px;"> _____ Date: </div>

PERALTA COMMUNITY COLLEGE DISTRICT

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SUMMARY OF CHANGE ORDER No. 1A Attachment

PROJECT: TOILET ROOM MODERNIZATION
AT BLDGS B, I & 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

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

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

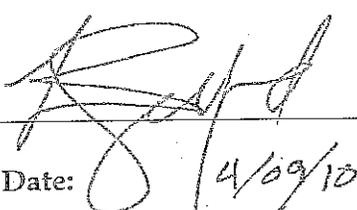
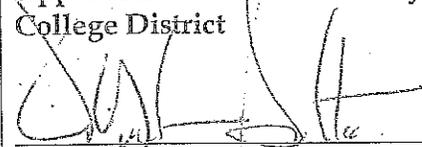
OWNER: Peralta Community College District
CONTRACTOR: Hung Construction Co.
 851 81st Avenue, Suite A
 Oakland, CA 94621

DSA FILE NO.: 1-C1
DSA APP NO.: 109625
PCCD PROJECT #: 2330
PROJECT MANAGER: 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.....	\$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 <u>(-8.0 %)</u>	
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>Approved: Architect of Record</p> <div style="text-align: center; margin-top: 50px;">  _____ Date: 4/6/10 </div>	<p>Approved: General Contractor</p> <div style="text-align: center; margin-top: 50px;">  _____ Date: 4/11/10 </div>	<p>Approved: Peralta Community College District</p> <div style="text-align: center; margin-top: 20px;">  _____ Director of Capital Projects Date: 15 April 2010  _____ Vice Chancellor of General Services Date: May 4, 2010 </div>
<p>Approved: Electrical or Structural Engineer</p> <div style="text-align: center; margin-top: 50px;"> _____ Date: </div>	<p>Approved: Mechanical Engineer</p> <div style="text-align: center; margin-top: 50px;"> _____ Date: </div>	<p>Approved: Div. of the State Architect</p> <div style="text-align: center; margin-top: 50px;"> _____ Date: </div>

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

OWNER: Peralta Community College District

DSA APP NO.: 109625

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 kalwall

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

June 1, 2010

Mr. Mark Sennette
Director of Capital Projects
Peralta Community College District
333 East 8th Street
Oakland, CA 94606

Subject: CCM Project and Construction Management Budget Augmentation;
Laney College Phase II Projects' Close-Out, Financial Aid and Swing Space Projects

Dear Mr. Sennette,

Please accept this proposal to provide Project/Construction Management Services for the above-mentioned projects at Laney College. Consolidated CM will provide the Project and Construction Management Services to oversee the design and construction by providing the following services:

Construction Management Services:

District Meetings as required	Owner-Architect-Contractor Meetings
Weekly Construction Activity Log	Pre-Construction Meetings
Coordination with Consultants	Review & Approve Contractor Schedule
Review & Approve Pay-Apps	Review & Approve Schedule of Values
Coordinate DSA Submittals	Review Requests for Information
Attend DSA Review Meetings	Review and Process Submittals
Prepare Front-End Documents	Review & Process Change Orders
Prepare Contract Bid Packages	Review & Approve Contractor Pay-Apps
Conduct Pre-Bid Conferences	Punch-Walks at Substantial Completion
Attend Bid Openings & Recordings	Prepare Notice of Completion for Final Approval
Post Bid Interview and Evaluation	Record Drawings and Project Close-Out
Prepare Monthly Construction Report	

For the above Project/Construction Management Services, CCM proposes a month to month agreement with a not to exceed amount of \$25,677 per month starting June 1, 2010 and includes our Construction Manager Mr. Benga Olayomi with part time administration support.

These services to be invoiced on a monthly basis per the Project/Construction Management rates below:

Sr. Construction Manager	\$132.44/hour
Admin Support	\$ 54.00/hour

We look forward to providing the Peralta Community College District with Consolidated CM's professional Project and Construction Management Services.

Very truly yours,
Consolidated CM Inc.



Scott Ritter
Senior Vice President, CCM

cc: Matt Scoble, Executive VP, CCM
Benga Olayomi, Sr. Project Manager, CCM