

PERALTA COMMUNITY COLLEGE DISTRICT
Board of Trustees Agenda Report
For the Trustee Meeting Date of December 7, 2010

ITEM # 36

ITEM TITLE:

Consider Approval of Resolution 10/11-41, Acceptance and Retention, Ratification of Deductive Change Order No. 4, Gymnasium Kalwall at College of Alameda, E. F. Brett & Company, Inc.

SPECIFIC BOARD ACTION REQUESTED:

Approval of Resolution 10/11-41, Acceptance and Retention, and Ratification of Deductive Change Order No. 4, for the Gymnasium Kalwall at College of Alameda, E. F. Brett & Company, Inc.

ITEM SUMMARY:

On June 22, 2010, this Board awarded a contract to E. F. Brett & Company, Inc. for the Gymnasium Kalwall at College of Alameda. The work has now been completed, the Notice of Completion has been filed with the County of Alameda, and the College of Alameda President and Business Manager have signed the Project College Acceptance Form. This resolution accepts the work as complete and provides for a retention payment of \$46,516.93, which is 10% of the contract price.

Ratification is also requested for Change Order No. 4, a deduction in the amount of (\$8,850.74). Although this is the second change order to the Gymnasium Kalwall project, it is identified as Number 4 because the Division of the State Architect (DSA) considers this work a component of the original contract for the COA Lighting Upgrades to Bldgs. B, D & G project, and there are two Board approved change orders for that project. As explained to the Board previously, the Gymnasium Kalwall work was removed from the original contract scope and bid as a separate project. Including the previously Board approved Change Order No. 3 for this project, the cumulative total is reduced to \$8,490.26, which is 1.9% of the original contract amount of \$456,679.00. It has been determined that it is in the best interests of the District and financially prudent to authorize this change order. This change order allows for the following:

- Repair of lighting conduit that was layered between the existing roofing and not discovered until demolition of the roof was performed, at a cost of \$11,169.00.
- Cutting down the existing concrete slab for ADA access to the gymnasium as directed by DSA (Division of the State Architect), at a cost of \$764.00.
- Release of allowances that were not required due to the efficient construction of the kalwall, at a credit of (\$20,783.74).

BACKGROUND/ANALYSIS:

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

The Board Facilities and Land Use Committee and the Board of Trustees have previously approved this project, since 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.

ALTERNATIVES/OPTIONS:

Not applicable.

EVALUATION AND RECOMMENDED ACTION:

Approval of Resolution 10/11-41, Acceptance and Retention, and Ratification of Deductive Change Order No. 4, for the Gymnasium Kaiwall at College of Alameda, E. F. Brett & Company, Inc., are 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."

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: 11-26-2010
— Dr. Sadiq B. Ikharo
Vice Chancellor of General Services

DOCUMENT PRESENTED BY:

Sadiq B. Ikharo Date: 11-26-2010
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: Ron Gerhard, electronically Date: 12/3/10

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: Thuy T. Nguyen, electronic signature Date: 12/2/10
Thuy T. Nguyen, General Counsel

CHANCELLOR'S OFFICE APPROVAL

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

Signature: Wise E. Allen Date: 12/1/10
Wise E. Allen, Chancellor

**PERALTA COMMUNITY COLLEGE DISTRICT
RESOLUTION 10/11-41
ACCEPTANCE AND RETENTION**

**GYMNASIUM KALWALL AT COLLEGE OF ALAMEDA
E. F. BRETT & COMPANY, INC.**

WHEREAS, E. F. Brett & Company, Inc., 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 Gymnasium Kalwall at 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 FORTY-SIX THOUSAND FIVE HUNDRED SIXTEEN AND 93/100 DOLLARS (\$46,516.93), which is ten percent (10%) of said contract price, as modified by Change Order Nos. 3 and 4, 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 7th day of December, 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

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. 4

PROJECT: Lighting Upgrades to Bldgs B, D & G

DATE: March 10, 2010

OWNER: Peralta Community College District
CONTRACTOR: EF. Brett
 P.O. Box 96
 Woodacre, CA 94973

DSA FILE NO.: 1-C1
DSA APP NO.: 109625
PCCD PROJECT #: 2315
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.....	\$ 456,679.00
Net Change by previously authorized Change Orders.....	\$ 17,341.00
The Contract sum prior to this Change Order was.....	\$474,020.00
The Contract sum will be decreased by this Change Order.....	\$ (8,850.74)
The New Contract Sum including this Change Order will be.....	\$465,169.26
Cumulative Change Order(s) as a percentage of contract including this Change Order	(1.9 %)
The Contract is changed by (0) Days	
Contract completion date as of this Change Order therefore is: November 12, 2010	

Summary reference attached items: P.C.O. 4r1 and 6

<p>Approved: Architect</p>  <p>Date: <i>11.9.10</i></p>	<p>Approved: General Contractor</p> <p><i>James Mart</i></p> <p>Date: <i>11-9-10</i></p>	<p>Approved: Peralta Community College District</p> <p><i>Johnnie Fudge</i> Director of Capital Projects</p> <p>Date: <i>11.23.2010</i></p> <hr/> <p><i>Serdar B. Ipheniz</i> Vice Chancellor of General Services</p> <p>Date: <i>11.23.2010</i></p>
<p>Approved: Electrical or Structural Engineer</p> <p>Date:</p>	<p>Approved: Mechanical Engineer</p> <p>Date:</p>	<p>Approved: Div. of the State Architect</p> <p>Date:</p>

PERALTA COMMUNITY COLLEGE DISTRICT

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

SUMMARY OF CHANGE ORDER No. 4 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: E.F.BRETT

PCCD FILE NO.: 2315

1 PCO No. 4r1/T&M

ADD: \$11,169

Description: 1-F Time and Materials to repair electrical conduit that was hidden between the layers of metal decking

Requested by: Owner

Reason: During demolition of the existing roof, two electrical conduits were damaged. These conduits were located in between the metal components of the existing roof and could not easily be seen.

**DSA prelim.
approval date:** Pending

2 PCO No. 6/RFI 08 & 09/ASK-001R

ADD \$764.00

ADD/DEDUCT 0 Days

Description: 1-F Cost to cut down ¼ inch minimum below the edge of adjacent existing slab, where required.

Requested by: Contractor

Reason: The current slope at the gym doors where the Ardex is to be applied is at 2.5% to 3.0% already. This solution to comply with the ADA requirements requested that ¼ inch be cut down in the existing concrete slab. This is the cost to provide that service.

**DSA prelim.
approval date:** Approved

approval date: Pending

3 Return of allowances and unit pricing not needed

DEDUCT: (\$20,783.74)

Allowance 01 (\$9,884.00)

Allowance 02 (\$10,499.74)

UP-01 (\$400.00)

End of Items

PROJECT FINAL ACCEPTANCE

PROJECT NAME: Gymnasium Kalwall at the College of Alameda

PROJECT NUMBER: 2315

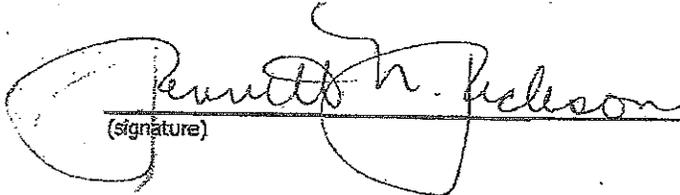
PROJECT MANAGER: Olive Construction Management Inc.

CONTRACTOR: E.F. Brett Inc.

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

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

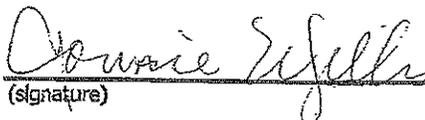
College President



(signature) 11/12/10

(date)

College Business Manager



(signature) 11.12.10

(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: GYMNASIUM KALWALL AT THE COLLEGE OF ALAMEDA
(LIGHTING UPGRADES TO BLDGS B, D & G)
PROJECT NUMBER: 2315
PROJECT ADDRESS: 555 RALPH APPEZZATO MEMORIAL PARKWAY, ALAMEDA, 94501
CONTRACTOR: E.F. BRETT
CONTRACTOR'S ADDRESS: P.O. BOX, WOODACRE, CA 94973
DSA APPLICATION NUMBER: 01-109625
CONTRACT START DATE: JULY 8, 2010
ORIGINAL CONTRACT TIME: 41 DAYS
CONTRACT TIME EXTENSIONS: NONE
APPROVED VIA CHANGE ORDER: NA
CONTRACT COMPLETION DATE: NOVEMBER 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

11-24-2010
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

11-24-2010
Date