

PERALTA COMMUNITY COLLEGE DISTRICT
Board of Trustees Agenda Report
For the Trustee Meeting Date of May 24, 2011

ITEM # 18

ITEM TITLE:

Consider Approval of Resolution 10/11-81, Acceptance and Retention, and Ratification of Change Order No. 1, Buildings D, P & Q Waterproofing Improvements at Merritt College, BHM Construction, Inc.

SPECIFIC BOARD ACTION REQUESTED:

Approval of Resolution 10/11-81, which formally accepts the Buildings D, P & Q Waterproofing Improvements at Merritt College as complete and provides for a retention payment to the contractor, BHM Construction, Inc. Ratification is also requested for Change Order No. 1 to the contract with BHM Construction, Inc.

ITEM SUMMARY:

On September 28, 2010, this Board ratified a contract award to BHM Construction, Inc. for the Buildings D, P & Q Waterproofing Improvements at Merritt College. This project is one of the previously Board approved modernization and short-term projects for Merritt College. The work has now been completed, a Notice of Completion has been filed with the County of Alameda, and the Merritt College 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 \$64,756.80, which is 10% of the contract price.

Ratification is also requested for Change Order No. 1, in the amount of \$58,859.00, which is 9.998% of the original contract amount (\$588,709.00). The change order items were necessary for the following reasons:

- A number of existing hidden conditions were found below the existing concrete slab that could not have been anticipated. In order to address, mitigate and repair pre-existing cracks and existing building damage, additional work scope needed to be added to the project.
- A few items (including additional demolition and extension of waterproofing) were added in response to leaks that occurred during the rainy season to enhance the waterproofing so that the facilities would be protected from water intrusion and damage.

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, Merritt College, "Classroom and facilities repairs and grounds improvements."

BACKGROUND/ANALYSIS:

The changes have been reviewed and approved by the project architect, Grossman Architects, the IOR (Inspector of Record) Tony Ogbeide, the project manager, SGI Construction Management, and the General Services Department. It was necessary for the contractor to perform the change order work so that the schedule would not be delayed and the

sequencing of the work would not be affected. In accordance with Board Policy 6.83, approval was requested from the Chancellor for the change order work, and Board ratification is now requested. It is in the best interests of the District and financially prudent to authorize this change order.

ALTERNATIVES/OPTIONS:

Not applicable.

EVALUATION AND RECOMMENDED ACTION:

Approval of Resolution 10/11-81, which formally accepts the Buildings D, P & Q Waterproofing Improvements at Merritt College as complete and provides for a retention payment to the contractor, BHM Construction, Inc., is recommended. Ratification is also recommended for Change Order No. 1 to the contract with BHM Construction, Inc.

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

YES _____ NO X

COMMENTS:

All Board approved contracts are subject to final 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 _____ NO X

IF "YES", PLEASE INCLUDE THAT INFORMATION IN YOUR SUMMARY.

PLEASE ACQUIRE SIGNATURES IN THIS ORDER:

DOCUMENT PREPARED BY:

Prepared by: Sadiq B. Ikharmo Date: 5/11/11
Dr. Sadiq B. Ikharo
Vice Chancellor of General Services

DOCUMENT PRESENTED BY:

Sadiq B. Ikharmo Date: 5/11/11
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 by vr Date: 5/14/11
Ron Gerhard, Chief Financial Officer

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, electronically by vr Date: 5/12/11
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: 5/17/11
Wise E. Allen, 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: WATERPROOFING D,P,Q
MERRITT COLLEGE

DATE: 04-11-11

DSA FILE NO.: N/A

OWNER: Peralta Community College District
CONTRACTOR:
BHM Construction, Inc.

DSA APP NO.: N/A

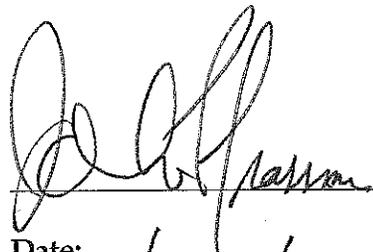
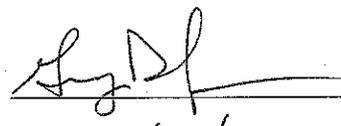
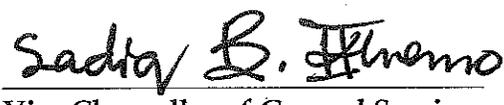
PCCD PROJECT #: 2303

PROJECT MANAGER: Johnnie Fudge

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.

Original Contract Sum.....\$ 588,709.00
 Net Change by previously authorized Change Orders.....\$ 0.00
 The Contract sum prior to this Change Order was..... \$ 588,709.00
 The Contract sum will be increased/decreased by this Change Order..... \$ 58,859.00
 The New Contract Sum including this Change Order will be..... \$ 647,568.00
 Cumulative Change Order(s) as a percentage of contract including this Change Order 9.998%
 The Contract time is changed by 74 Days
 Original completion date is: 1/25/11
 Contract completion date as of this Change Order therefore is: April 8th, 2011

Summary reference attached items P.C.O'. #1-13 and all applicable back up documentation including approved CPE & RFI response

<p>Approved: Architect of Record</p>  <p>Date: 4/20/11</p>	<p>Approved: General Contractor</p>  <p>Date: 4/12/11</p>	<p>Approved: Peralta Community College District</p> <hr/> <p>Director of Capital Projects</p> <p>Date:</p>  <p>Vice Chancellor of General Services</p> <p>Date: 5-11-2011</p>
<p>Approved: Electrical or Structural Engineer</p> <p style="text-align: center; font-size: 2em;">N/A</p> <p>Date:</p>	<p>Approved: Mechanical Engineer</p> <p style="text-align: center; font-size: 2em;">N/A</p> <p>Date:</p>	<p>Approved: Div. of the State Architect</p> <p>Date:</p>

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SUMMARY OF CHANGE ORDER No. 1 Attachment

PROJECT: WATERPROOFING D,P,Q
MERRITT COLLEGE
OWNER: Peralta Community College District
CONTRACTOR: BHM CONSTRUCTION

DATE: 4-11-11
DSA FILE NO.: NA
PCCD FILE NO.: 2303

Change Order Coding:

1 - Unforeseen Condition - Owner Initiated	4 - Design error or admission - Architect Initiated
2 - Owner Requested Change - Owner Initiated	A - Approved for A/E Reimbursement
3 - DSA or Agency requested change - Agency Initiated	F - Not Approved for A/E Reimbursement

01	PCO 01	ADD \$	6,656
		ADD/DEDUCT	0 Days

Description: During demolition and in order to perform the waterproofing scope, additional existing hazardous waterproofing material was discovered above the anticipated amount which was slated to be abated at the tunnel between Bldg P & Q.

Initiated Change: 1 - Unforeseen Condition - Owner Initiated

Reason: The additional hazardous material had to be abated and removed in order to complete the new Contract Waterproofing scope.

02	PCO 02	DEDUCT	(\$2,637)
		ADD/DEDUCT	0 Days

Description: In order to save the client time and money, the GC proposed to reuse and not Offhaul the spoils (existing soils dug from the tunnel) from the tunnel excavation. The Team requested a credit CPE for review.

Requested by: 1 - Unforeseen Condition - Owner Initiated

Reason: The Existing on-site soil was tested and found to be acceptable for re-use, therefore the GC did not need to import new Class 2 backfill and a credit CPE was issued, reviewed and accepted.

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SUMMARY OF CHANGE ORDER No. 1 Attachment

03	PCO 03	ADD	\$7,008
		ADD/DEDUCT	0 Days

Description: Additional existing conduits not shown on the CDs or as-builts were discovered after demolition

Requested by: 1 - Unforeseen Condition - Owner Initiated

Reason: Since these existing conduits were discovered and had to remain, additional waterproofing was required and was installed to protect them and the rest of the project area.

04	PCO 04	ADD	\$8,279
		ADD/DEDUCT	0 Days

Description: After the deck was removed during demolition, deep depressions and footprints were found in the existing slab that could not have been and weren't anticipated.

Requested by: 1 - Unforeseen Condition - Owner Initiated

Reason: In order to properly install the new level waterproofing, the deck had to be adequately floated and the newly discovered/existing footprints had to be patched.

05	PCO 05	ADD/DEDUCT \$	35,200
		ADD/DEDUCT	0 Days

Description: Cost to complete Horizontal crack repair at existing concrete slab with epoxy resin per unit pricing on page 3 of bid form

Requested by: 1 - Unforeseen Condition - Owner Initiated

Reason: Some horizontal crack repair was known and anticipated in the Original Contract Allowance, but upon completion of demolition, the Team observed extensive additional Horizontal Cracks beyond the originally anticipated amount. The additional scope was executed per the unit pricing included in the CDs.

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SUMMARY OF CHANGE ORDER No. 1 Attachment

06	PCO 06	ADD	\$15,753
		ADD/DEDUCT	0 Days

Description: During demolition and before installing the new Contract scope of waterproofing and 1 stair tread, it was discovered that the area that needed to be repaired and waterproofed extended further under 2 additional stair treads.

Requested by: 1 - Unforeseen Condition - Owner Initiated

Reason: After Team review, it was decided that in order to extend the new water-proofing installation and reach the source of the interior leaks in the tunnel in Bldg Q below, 2 treads were removed, additional waterproofing was installed, and the two treads were re-built and replaced.

07	PCO 07	ADD	\$1,440
		ADD/DEDUCT	0 Days

Description: Existing drain piping outside of the Contract area (but connected to the Contract drain line) was suspected to be the source of leaks in Bldg Q interior.

Requested by: 1 - Unforeseen Condition - Owner Initiated

Reason: In order to investigate the source of this leak prior to concrete pour, the Owner requested that the GC to test the existing drain line that ties in with Contract scope.

08	PCO 08	DEDUCT \$	19,619
		ADD/DEDUCT	0 Days

Description: During the progress of the project, the Team received and reviewed a proposal to substitute Concrete for Degussa for the deck pours at bldg D & bldg Q.

Requested by: 2 - Owner Requested Change - Owner Initiated

Reason: After Team review and negotiation, the Owner accepted the Cost-Savings proposal and Concrete was installed in lieu of Degussa.

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SUMMARY OF CHANGE ORDER No. 1 Attachment

09 PCO 09

ADD \$ 4,457
ADD/DEDUCT 0 Days

Description: Hazardous Transite pipe which was not shown in the Contract documents or as-builts was discovered and exposed during demolition.

Requested by: 1 - Unforeseen Condition - Owner Initiated

Reason: This hazardous material which was discovered during construction is required by code to be abated and removed in order to perform the waterproofing repair work.

10 PCO 10

DEDUCT \$ 3,994
ADD/DEDUCT 0 Days

Description: The Original Contract scope called for the removal of ductwork and installation of caulking inside the tunnel.

Requested by: 4 - Design error or admission - Architect Initiated

Reason: Due to the confined project area and inability to shut down Campus wide steam system for pipe removal, a portion of the work cannot be performed. This scope which cannot be executed as designed is being credited back to the Contract.

11 PCO 11

ADD \$1,696
ADD/DEDUCT 0 Days

Description: Add 1 new trap primer that was not in the Original Contract documents.

Requested by: 4 - Design error or admission - Architect Initiated

Reason: Per Contract Documents, the floor drain was supposed to be tied into the Storm System, but the sewer system was the only line available to tie-in to. Since Code requires that a trap primer be added in order to prevent sewer gasses from escaping through the new drain, a trap primer has been installed per the AOR response to the RFI.

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SUMMARY OF CHANGE ORDER No. 1 Attachment

12	PCO 12	ADD	\$1,655
		ADD/DEDUCT	0 Days

Description: Cut back installed waterproofing and install new waterproofing detail based on manufacturers recommendations due to existing conditions of water below adjacent waterproofing membrane.

Requested by: 1 - Unforeseen Condition - Owner Initiated

Reason: New leaks were uncovered during the winter rains outside the contract scope of work. Installation of Waterproofing material extended at minimum cost to prevent future leaks.

13	PCO 13	ADD	\$1,686
		ADD/DEDUCT	0 Days

Description: During construction, the extent of the cracks in the slab was discovered to be longer than anticipated in the contract. Additional leaking occurred during construction at cracks not previously leaking. This additional length was reviewed by the design team who recommended that the crack injection be extended.

Requested by: 4 - Design error or admission - Architect Initiated

Reason: As directed by the design team, and in order to prevent future leaks in Bldg Q the crack injection was extended beyond the original contract area at a minimum cost.

14	PCO 14	ADD	\$1,279
		ADD/DEDUCT	0 Days

Description: During excavation at the Tunnel @ the P-Q stair location, a hidden conduit which housed Site lighting wire was discovered.

Requested by: 1 - Unforeseen Condition - Owner Initiated

Reason: As directed by the PCCD, this conduit which was in the way of the completion of the contract scope was temporarily safely re-routed on the face of the wall at bldg Q so that the work at the tunnel could be completed. After the tunnel work was completed, a new conduit was installed in place of the old conduit and new wire was pulled and tested.

PERALTA COMMUNITY COLLEGE DISTRICT

PROJECT FINAL ACCEPTANCE

PROJECT NAME: Buildings D, P & Q Waterproofing Project

LOCATION: Merritt College

CONTRACTOR: BHM Construction

This Project is accepted as complete and approved by the College based on the signatures from the Architect, Inspector, Project Manager and Director of Capital Projects.

Architect:

(Approval recommended, but not available for signature)

Print Name

Signature

Date

Inspector:

(Approval recommended, but not available for signature)

Print Name

Signature

Date

Facilities Project Manager:

Johnnie Fudge

Print Name

Johnnie Fudge

Signature

5/16/11

Date

College Business Manager:

Aziza Murre

Print Name

Aziza Murre

Signature

5/16/11

Date

College President:

Robert A. Adams

Print Name

Robert A. Adams

Signature

5/16/11

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: Merritt College Building D,P and Q Waterproofing Project

PROJECT NUMBER: 2303-30-107

PROJECT ADDRESS: 12500 Campus Drive, Oakland, CA 94619

CONTRACTOR: BHM Construction

CONTRACTOR'S ADDRESS: 522 Walnut Avenue

DSA APPLICATION NUMBER: N/A

CONTRACT START DATE: September 25,2010

ORIGINAL CONTRACT TIME: 120 Calendar days

CONTRACT TIME EXTENSIONS: 74

APPROVED VIA CHANGE ORDER: 0 Calendar Days

CONTRACT COMPLETION DATE: April 8, 2011

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. Ikharmo 5/11/2011
(Signature of Affiant) Date

Dr. Sadiq Bello Ikharmo
Vice Chancellor, General Services
Peralta Community College District

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

Sadiq B. Ikharmo 5/11/2011
(Signature of Affiant) Date

Dr. Sadiq Bello Ikharmo
Vice Chancellor, General Services
Peralta Community College District

**PERALTA COMMUNITY COLLEGE DISTRICT
RESOLUTION 10/11-81
ACCEPTANCE AND RETENTION**

**BUILDINGS D, P & Q WATERPROOFING IMPROVEMENTS
AT MERRITT COLLEGE
BHM CONSTRUCTION, INC.**

WHEREAS, BHM Construction, 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 Buildings D, P & Q Waterproofing Improvements at Merritt College, 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 SIXTY-FOUR THOUSAND SEVEN HUNDRED FIFTY-SIX AND 80/100 DOLLARS (\$64,756.80), which is ten percent (10%) of said contract price, as modified by Change Order No. 1, shall be made thirty-five (35) 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 24th day of May, 2011. 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